



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17072 of 2018

Jegan

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.

2. The Deputy Superintendent of Police,
Thuckalay, Kanayakumari District.

3. The Inspector of Police,
Thiruvattar Police Station,
Kanayakumari District.

4.Anitha

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 2 and 3 not to harass the petitioner.

For Petitioner : Mr.K.P.Narayana Kumar

For Respondents : Mr.M.Chandrasekaran
No.1 to 3 Additional Public Prosecutor

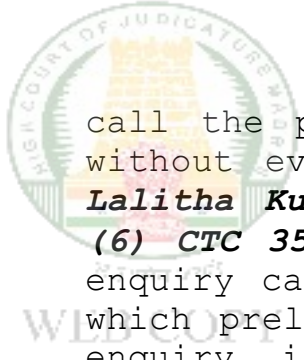
ORDER

This Criminal Original Petition has been filed to direct the respondents 2 and 3 not to harass the petitioner.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondents 1 to 3.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the fourth respondent/defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.334 of 2017 on the file of the respondent police.

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot



call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent proceeding to take action in accordance with law.

5. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.
2. The Deputy Superintendent of Police,
Thuckalay, Kanayakumari District.
3. The Inspector of Police,
Thiruvattar Police Station,
Kanayakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.P.Narayana Kumar, Advocate Sr.No.86727

cp

VB/SV/SAR2/09.10.2018/2P/6C

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