



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD).No.17240 of 2018

R.Ganesan ...Petitioner
Vs.

1.The Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thiruvidaimaruthur Taluk,
Thanjavur District.

3.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thiruvidaimaruthur,
Thanjavur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 3rd respondent not to harass the petitioner under the guise of enquiry without following due process of law.

For Petitioner :Mr.A.Saravanan

For Respondents :Mr.M.Chandra Sekaran

Additional Public Prosecutor

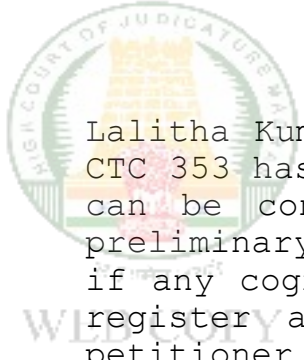
O R D E R

This Criminal Original Petition has been filed to direct the third respondent herein not to harass the petitioner in name of enquiry without due process of law.

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending in C.S.R. No.531 of 2018 on the file of the third 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, third 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(C.O)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thiruvidaimaruthur Taluk,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thiruvidaimaruthur,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Saravanan, Advocate in SR No.87191

Cr1.O.P. (MD) .No.17240 of 2018

NM/SKN/SAR I/15.10.18/2P/6C