



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.09.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD).No.17245 of 2018

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M.Raja

...Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Madurai South, Madurai.

2.S.Latha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent not to harass the petitioner and his family members in the guise of petition enquiry.

For Petitioner :Mr.N.Balakrishnan

For 1st Respondent :Mr.M.Chandra Sekaran

Additional Public Prosecutor

O R D E R

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

2. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the first 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.325 of 2018 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, first 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.

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/True Copy/

Sd/-
Assistant Registrar(CS-II)

Sub Assistant Registrar(CS-II)

To

1.The Inspector of Police,
All Women Police Station,
Madurai South, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

• 1 CC TO Mr.N.Balakrishnan , ADVOCATE IN SR No. 88097.

DAS

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