



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.17272 of 2018

R.Annadurai

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police, (Crime)
Vilakkuthoon Police Station,
Madurai City.

3.Idhayathullah

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioner under the guise of enquiry and thereby not interfere into the civil dispute.

For Petitioner: Mr.P.Gunasekaran

For R1 and R2 : Mr.M.Chandra Sekaran

Additional Public Prosecutor

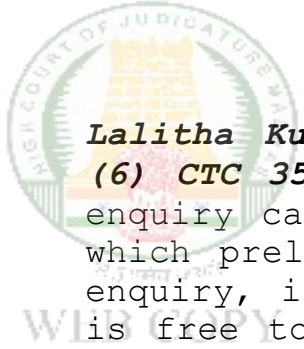
O R D E R

This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioner under the guise of enquiry and thereby not interfere into the civil dispute.

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending on the file of the second 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 and such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. If the nature of the complaint is purely civil in nature, the parties shall be relegated before the civil court in order to redress their grievance.

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

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-II)

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police, (Crime)
Vilakkuthoon Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.P.GUNASEKARAN, ADVOCATE IN SR NO.87025

DAS

BU/SV/SAR-2 : 24.10.2018 : 2P/5C

Cr1.O.P. (MD) .No.17272 of 2018
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