



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P. (MD).No.17280 of 2018

R.Manjamani

...Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

3.Pandi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioner by intervening in the civil dispute between the petitioner and the 3rd respondent.

For Petitioner :Mr.K.K.Kannan

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 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.400 of 2018 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.

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

Sd/-

Assistant Registrar (J)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.K.K.KANNAN, Advocate SR. NO. 87233

Cr1.O.P. (MD) .No.17280 of 2018
27.09.2018

DAS

TR/RP/SAR-IV(16.10.2018)2P 5C