



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.10.2018**

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.(MD)No.19420 of 2018

K.Sekar

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
DSP Office,
Palani,
Dindigul District.

3.The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

4.Pathra

5.B.Pathimapivee @ Lakshmi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. directing the respondent police not to harass the petitioner and his family members in the guise of enquiry based on the complaint given by B.Pathimapivee @ Lakshmi.

For Petitioner : Mr.M.Ganeshkamu

For R1 to R3 : Mr.K.Suyambulinga Bharathi

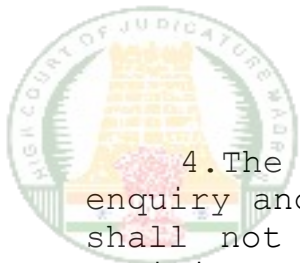
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner.

2.Heard learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on the complaint against the petitioner, petition enquiry is pending 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.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

TO

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

2. The Deputy Superintendent of Police,
DSP Office,
Palani,
Dindigul District.

3. The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

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

- 1 CC TO Mr.M.GANESHKUMAR , ADVOCATE IN SR No.94055.
- MM
- DS PM SAR3 31 12 2018 2P 6C

Cr1.O.P. (MD) No.19420 of 2018
31.10.2018