



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESHCRL.O.P.(MD)No.17347 of 2018

N.Lakshmi

.. Petitioner

-Vs-

1.State through

The Inspector of Police,
Anti Land Grabbing Special Cell,
Office of the Superintendent of Police,
Trichy District.

(Crime No.Not Known of 2018)

:1st Respondent/Complainant

2.P.Boopalan

3.P.Paranthaman

4.P.Jagadeesan

5.Udhayakumar

: Respondents 2 to 5

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st Respondent/Police, Anti Land Grabbing Wing, Trichy Rural District not to harass the petitioner by interfering in the Civil Dispute.

For Petitioner : Mr.T.K.Gopalan

For Respondents : Mr.M.Chandra Sekaran for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 1st respondent police not to harass the petitioner by interfering in the Civil Dispute.

2.Heard learned Counsel 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.No.116/ALGSC/TR1/18 on the file of the respondent police

<https://hcservices.courts.gov.in/hcservices/>
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, 1st 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Office of the Superintendent of Police,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL.O.P. (MD) No. 17347 of 2018
28.09.2018

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TR/SKN/SAR-IV(31.10.2018)2P 3C