



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2018

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17348 of 2018

WEB COPY

Dawood

.. Petitioner

-Vs-

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

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

3.Rahamadullah

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the 1st and 2nd respondents to not to harass the petitioner under the guise of enquiry into the complainant lodged by the 3rd respondent pending on the file of 2nd respondent.

For Petitioner : Mr.Mark J.Jackson

For Respondents : Mr.M.Chandra Sekaran for R1 & R2
Additional Public Prosecutor

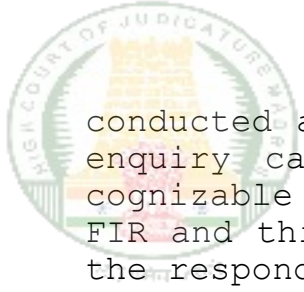
ORDER

This Criminal Original Petition has been filed seeking for a direction to the 1st and 2nd respondents not to harass the petitioner under the guise of enquiry.

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.S.R.No.239 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, respondents are 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-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

2. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

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

+1CC to Mr. Mark J. Jackson, Advocate, SR.No.87857

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ES/PM/SAR 1/29.10.2018/2P/5C