



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17354 of 2018

1.M.Mathiyalagan

2.Shankar

... Petitioners

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy District.

2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Trichy City.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
(Cantonment Police Station)
Trichy City.

4.V.Veerasamy

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 2 and 3 police not to harass the petitioners herein by way of interfering in the civil dispute in the guise of enquiry, purusant to the representation of the petitioners dated 04.08.2018.

For Petitioners : Mr.D.Senthil

For R1 to R3 : Mr.M.Chandrasekaran

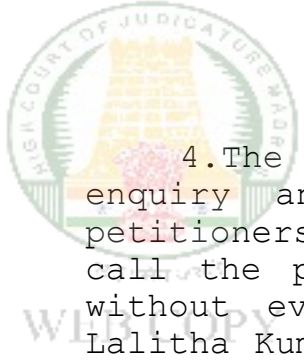
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 2 and 3 not to harass the petitioners.

2.Heard learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioners, petition enquiry is pending before the respondent police.



4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners 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, third respondent is free to register an FIR and this order shall not be a shield for the petitioners 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-II)

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy District.
 2. The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Trichy City.
 3. The Inspector of Police,
Anti Land Grabbing Special Cell,
(Cantonment Police Station)
Trichy City.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1CC TO MR.D.SENTHIL, ADVOCATE IN SR.NO.88392.

MM
DS SKN SAR-2 16.10.2018 2P/6C