



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM

WEB COPY

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

Cr1.O.P.(MD)No.17386 of 2018

K.Chandran

... Petitioner

**Vs.**

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

2. State represented by  
The Inspector of Police,  
Othakadai Police Station,  
Othakadai,  
Madurai.

... Respondents

**Prayer:** This Criminal Original Petition filed under Section 482 Cr.P.C. directing the respondents police not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.V.Karuna  
For Respondents : Mr.M.Chandrasekaran  
Additional Public Prosecutor

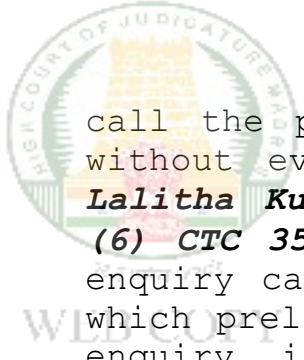
**ORDER**

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

2.Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioner, petition enquiry is pending before 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, 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 (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

**To**

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

+ 1 CC TO Mr.V.KARUNA, ADVOCATE IN SR No. 18775

MM

TE/RP/SAR-4 : 25/10/2018 : 2P/5C

Crl.O.P. (MD) No.17386 of 2018  
01.10.2018