



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.17468 of 2018

G.Velpandi

... Petitioner

Vs.

1.The Inspector of Police,
B3, Theppakulam Police Station,
Theppakulam,
Madurai.

2.The Commissioner of Police,
The Commissioner Office,
Madurai.

... Respondents

3.T.Mahalingam

...Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner in the guise of enquiry based on the vexatious complaint given by the third respondent as against the petitioner.

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

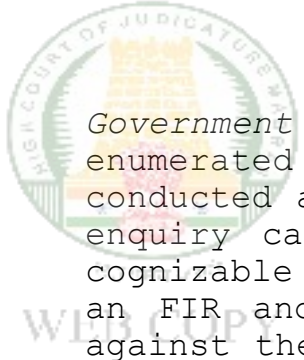
ORDER

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 Additional Public Prosecutor for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint against the petitioner, petition enquiry is pending in C.S.R.No.130 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, 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 (CO)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Inspector of Police,
B3, Theppakulam Police Station,
Theppakulam,
Madurai.
2. The Commissioner of Police,
The Commissioner Office,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.OM PRAKASH, Advocate, SR.No. 87956

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01.10.2018

MM
KK/PM/SAR-4/15.10.2018/2P-5C