



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P (MD) No.17476 of 2018

1.R.Rajesh
2.Nagaraj

... Petitioners

vs.

1. The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

2. The Inspector of Police,
Natchiyapuram Police Station,
Karaikudi Taluk,
Sivagangai District.

3. K.Arumugam
4. K.Kumar
5. K.Chittal
6. N.Murugesan
7. K.Kalammal

... Respondents

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the second respondent not to harass the petitioners in the guise of enquiry in connection with complaint given by the respondents 3 to 7 in view of the pendency of the civil suit pending on the file of the District Munsif Court, Karaikudi in O.S.No.25 of 2017.

For Petitioners : Mr.I.Velpradeep
For R1 & R2 : Mr.M.Chandrasekaran,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking for a direction to the second respondent police not to harass the petitioners under the guise of enquiry.



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

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that on the complaint given by the respondents 3 to 7 against the petitioners, petition enquiry is pending in C.S.R.No.185 of 2018 on the file of 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, second 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
2. The Inspector of Police,
Natchiyapuram Police Station,
Karaikudi Taluk,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

MM

TE/PM/SAR-3 : 25/10/2018 : 2P/4C

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