



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD).No.17551 of 2018

D.Ezhilarasi

...Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
(Crime Branch),
Trichy District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the second respondent to not to harass the petitioner.

For Petitioner : Mr.R.Vijayakumar

For Respondents: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

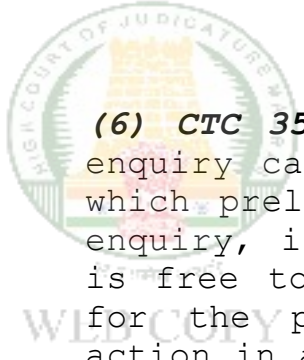
O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent to not to harass the petitioner.

2.Heard learned Counsel for the petitioner and learned Government Advocate (Crl.side) for the respondents.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint given against the petitioner, petition enquiry is pending 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, 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 directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Trichy District.
2. The Deputy Superintendent of Police,
(Crime Branch),
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.R.VIJAYAKUMAR, ADVOCATE IN SR NO.88256

LS

BU/SV/SAR-II :15.10.2018 : 2P/5C

Cr1.O.P. (MD) .No.17551 of 2018
03.10.2018