



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.17549 of 2018

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K.Gopi

...Petitioner

Vs.

1.The Inspector of Police
Dindigul South police station,
Dindigul

2.M.Dharmalatha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the first respondent not to harass the petitioner in the name of enquiry and making the petitioner wait in the office of the first respondent in odd hours other than the due process of Law and not to interfere with the Family Dispute.

For Petitioner :Mr.M.Gururaj

For R-1 :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 first respondent police not to harass the petitioner in the name of enquiry.

2.Heard learned Counsel for the petitioner and learned Government Advocate (crl.side) for the official respondent.

3.The learned Government Advocate (crl.side) appearing for the respondent police submits that on the complaint given by the second respondent against the petitioner, petition enquiry is pending in C.S.R.No.360 of 2017, 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



5. With the above directions, the Criminal Original Petition is closed.

Sd/
Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police
Dindigul South police station,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KK/RP/SAR-1/23.11.2018/2P-3C