



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.17556 of 2018

S.Arul Kumar

...Petitioner

Vs.

1.The Assistant Commissioner of Police (L&O)
Tallakulam Range, Madurai City,
Tallakulam Police Station Premises,
Madurai- 625 002

2.The Inspector of Police(crime)
Thallakulam, Madurai City.

3.S.Ajay Kumar

4.M.Ashok Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the first and second respondents to not to harass the petitioner without any basis under the guise of enquiry.

For Petitioner

:Mr.M.A.Abdul Muthalif

For R-1 & R-2

: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 and second respondents to not to harass the petitioner under the guise 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 third and fourth respondents against the petitioner, petition enquiry is pending in C.S.R.No.872 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, third 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 (CS-I)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Assistant Commissioner of Police (L&O)
Tallakulam Range, Madurai City,
Tallakulam Police Station Premises,
Madurai- 625 002
2. The Inspector of Police (crime)
Thallakulam, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. M. A. ABDUL MUTHALIF, Advocate, SR.No. 88780

Crl.O.P. (MD) .No.17556 of 2018
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KK/RP/SAR-4/02.11.2018/2P-5C