



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.17961 of 2018

Thalavai

... Petitioner

Vs.

1. The Superintendent of Police
Tirunelveli District
Tirunelveli

2. The Inspector of Police
Veeravanallur Police Station
Tirunelveli District

3. Abdul Rahman

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct first respondent herein to direct the second respondent herein not to interfere in the civil dispute on the basis of a complaint given by the third respondent.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 & 2 Government Advocate(Crl.Side)

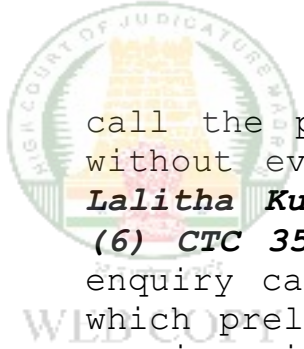
ORDER

This Criminal Original Petition has been filed to direct the first respondent herein to direct the second respondent herein not to interfere in the civil dispute on the basis of a complaint given by the third respondent.

2. Heard learned counsel appearing for the petitioner and learned Government Advocate(Crl.Side) for the respondents 1 and 2.

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 in C.S.R. No.278 of 2018 on the file of the second 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police
Tirunelveli District
Tirunelveli
2. The Inspector of Police
Veeravanallur Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Sathya Chidambaram, Advocate Sr.No.89789

AAV

VB/RSK/SAR1/15.10.2018/2P/5C

Crl.O.P.(MD)No.17961 of 2018
09.10.2018