



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.17979 of 2018

T.Raveendran

...Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District
at Nagercoil

2. The Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

3. Pachaimal

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.C.Herold Singh

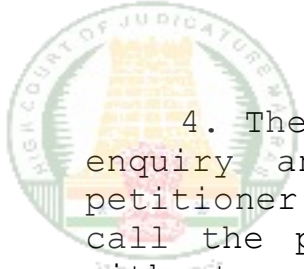
For Respondents: Mr.K.Suyambulinga Bharathi
No.1 and 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry.

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 P2/SP/3981/18 on the file of the first 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1.The Superintendent of Police
Kanyakumari District
at Nagercoil

2.The Inspector of Police
District Crime Branch
Nagercoil
Kanyakumari District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE IN SR NO.89467

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BU/SKN/SAR-IV :15.10.2018 : 2P/5C