



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.18063 of 2018

M.Sabapathy

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Oddanchatram Taluk,
Dindigul District.

3.The Inspector of Police,
Ambilikai Police Station,
Oddanchatram Taluk,
Dindigul District.

4.R.A.Sivaraj

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent not to harass the petitioner under the guise of enquiry on the basis of an alleged to complaint said to have been lodged by the fourth respondent.

For Petitioner : Mr.K.Suresh

For R1 to R3 : Mr.M.Chandra Sekaran,

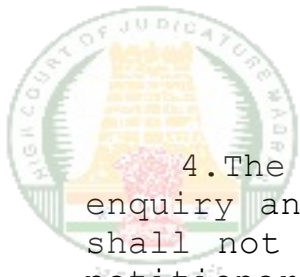
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to direct the third respondent not to harass the petitioner under the guise of enquiry on the basis of an alleged to complaint said to have been lodged by the fourth respondent.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the fourth respondent against the petitioner, petition enquiry is pending in C.S.R. No.206 of 2018 on the file of the third respondent police.



4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting 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 F.I.R. and the 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, the third respondent is free to register an F.I.R. 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,
Dindigul District.

2.The Deputy Superintendent of Police,
Oddanchatram Taluk,
Dindigul District.

3.The Inspector of Police,
Ambilikai Police Station,
Oddanchatram Taluk,
Dindigul District.

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

+ 1 CC TO MR.K.SURESH, ADVOCATE IN SR NO.90134

MYR

BU/RSK/SAR-IV :15.10.2018 : 2P/6C