



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.18069 of 2018

Muniasamy

...Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.

3.Vinothini

...Respondents

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

For Petitioner : Mr.U.Antony Santhosh
For R1 and R2 : Mr.M.Chandra Sekaran,
Additional Public Prosecutor.

ORDER

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

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the third respondent against the petitioner, petition enquiry is pending in C.S.R. No.423 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 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 second 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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS-I)

To

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

MYR

BU/RSK/SAR-1 : 25.10.2018 : 2P/4C

Crl.O.P. (MD) No.18069 of 2018
10.10.2018