



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.18087 of 2018

WEB COPY

1.Idhayathulla

2.Kaleel Ahamed

...Petitioners/Aggrieved Persons  
Vs.

1.The Commissioner of Police,  
Tirunelveli District.

2.The Assistant Commissioner of Police (L & O),  
Palayamkottai,  
Tirunelveli.

3.The Inspector of Police,  
Melappalayam Police Station,  
Tirunelveli City.

4.M.Karuppasamy

5.M.Raja

6.Poolpandi

...Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents No.2 and 3 not to harass the petitioners by interfering into their right in connection with the property situated in Survey No.509/1b, T.S.NO.202, Ward AB, Block 7, Measuring to the extent of 52 cents, Kulavanigapuram Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioners

:Mr.R.Anand

For R1 to R3

:Mr.M.Chandra Sekaran

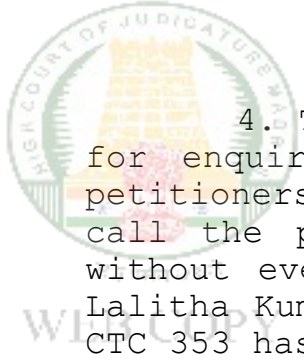
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners.

2. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents police would submit that on a complaint given against the petitioner, petition enquiry is pending in CSR No.583 of 2018, on the file of the second respondent police.



4. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners 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 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 the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the respondent Police is free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceedings to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Commissioner of Police,  
Tirunelveli District.

2.The Assistant Commissioner of Police (L & O),  
Palayamkottai,  
Tirunelveli.

3.The Inspector of Police,  
Melappalayam Police Station,  
Tirunelveli City.

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

DSK

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