



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. (MD) .No.18085 of 2018

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B.Pandi

...Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent herein not to harass the petitioner on the guise of enquiry and except under the process of law.

For Petitioner: Mr.C.Jeganathan

For R1 & R2 : 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 second respondent not to harass the petitioner.

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

3. The learned Additional Public Prosecutor appearing for the respondents police 1 and 2 would submit that on a complaint given against the petitioner, petition enquiry is pending in CSR No.179 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 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 second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceedings to



take action in accordance with law.

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

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

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

+ 1 CC TO M/S.VEERA ASSOCIATES,IN SR NO.909391

dsk

BU/PM/SAR-III:02.11.2018 : 2P/5C

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12.10.2018