



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.18249 of 2018

D.Chellappa

.. Petitioner

-Vs-

1. The District Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Deputy Superintendent of Police,
Sattur, Virudhunagar District.
3. The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
4. Santhi
5. Vijaya

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue direction directing the respondents 2 and 3 not to harassing the petitioner under the guise of an enquiry.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.M.Chandra Sekaran for
1 to 3 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd and 3rd respondents police not to harass the petitioner under the guise of enquiry.

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

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.No.93/30812/1741/18 on the file of the 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, 2nd 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 directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Deputy Superintendent of Police,
Sattur, Virudhunagar District.
3. The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.MURUGAPPAN, ADVOCATE IN SR No. 90033

TM

TE/RP/SAR-1 : 23/10/2018 : 2P/6C

CRL.O.P. (MD) No.18249 of 2018
11.10.2018