



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.18352 of 2018

Prabu

... Petitioner/Accused

Vs.

State by

1. The Inspector of Police,
All Women Police Station,
Tenkasi,
Tirunelveli District.

... 1st Respondent/Complainant

2. Esakkiammal

... 2nd Respondent/Defacto
Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent police not to harass the petitioner under the guise of enquiry upon the complaint preferred by the second respondent dated 12.09.2014.

For Petitioner : Mr.N.Sankar Ganesh
For R1 : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

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

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

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the second respondent against the petitioner, petition enquiry is pending in C.S.R. No.652 of 2018 on the file of the first 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 **Lalita 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, first 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 direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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

+ 1 CC TO Mr.N.SANKAR GANESH, ADVOCATE IN SR No. 90500

MM
TE/SV/SAR-2 : 09/11/2018 : 2P/4C

Cr1.O.P. (MD) No.18352 of 2018
12.10.2018