

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1393 of 2019

M.Venkateswaran

.. Petitioner

-vs-

1.The Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Kadathur Police Station,
Kadathur,
Erode District.

3.R.Prabhawathi

4.K.Murugesan

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent, the Inspector of Police, Kadathur Police Station, kadathur, Erode District, not to interfere with the civil dispute and not to call the petitioner for enquiry with regard to the agricultural lands in S.F.No.316/A/1, 316/A/3, 316/B/1 and 316/B/3.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for
R1 & R2

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondent, the Inspector of Police, Kadathur Police Station, kadathur, Erode District, not to interfere with the civil dispute and not to call the petitioner for enquiry with regard to the agricultural lands in S.F.No.316/A1, 316//a1/A, 316/A/3, 316/B/1 and 316/B/3.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.118 of 2018 on the file of the respondent police.

4.The petitioner is directed to co-operate 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, the second respondent is free to register an FIR and this order shall not be a shield for the petitioner against the respondent Police proceeding to take action in accordance with law.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Kadathur Police Station,
Kadathur,
Erode District.

2.The Superintendent of Police,
Erode District, Erode.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.A.V.Arun, Advocate Sr.5289

Cr1.O.P.No.1393 of 2019

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srg 12/02/2019