

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1819 of 2019

Prabakaran (M/57),
S/o. Manickam,
Executive Officer,
Kolathur Selection Grade Panchayat,
Kolathur,
Salem District.

... Petitioner

Vs.

1.The Superintendent of Police
Erode District
Erode.

2.The Inspector of Police
District Crime Branch
Erode.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C to direct the respondents not to harass the petitioner in
the name of enquiry.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a
direction to the respondents police not to harass the petitioner
in the name of enquiry.

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

3.The learned Counsel appearing for the petitioner submits
that the respondents police harassed the petitioner under the
guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by one P.Shanmugam against the petitioner, petition enquiry is pending on the file of the 2nd respondent police.

5.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, respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msrm/vsa

To

1. The Superintendent of Police
Erode District
Erode.
2. The Inspector of Police
District Crime Branch
Erode.
3. The Additional Public Prosecutor
High Court of Madras,
Madras.

+1 cc to Mr.S.Doraisamy, Advocate, S.R.No.5438

Cr1.O.P.No.1819 of 2019

SSM(12/02/2019)