

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.22348 of 2019

K.Palanivel

...Petitioner

-Vs-

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

2.Inspector of Police,
Oomangalam Police Station,
Cuddalore District.

3.P.Anjukam

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent police not to harass the petitioner.

For Petitioner : Mr.B.Ramprabu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1 and R2

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent 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 defacto complainant against the petitioner, petition enquiry is pending in C.S.R No.387 of 2019 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, third 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 (CCC)

//True copy//

Sub Assistant Registrar

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To

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

2. The Inspector of Police,
Oomangalam Police Station,
Cuddalore District

3. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr. B. Ramprabu, Advocate SR.No.71052

SV (CO)
GMY (19/09/2019)

CRL.O.P.No.22348 of 2019

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