



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.01.2019
CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

Crl.O.P.(MD).No.468 of 2019

G.Mariappan

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Avaniayapuram Police Station,
Madurai City.

3.Rajamani

4.Manikandan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 2nd respondent not to harass the petitioner and his family members under the guise of enquiry by way of interfering into the Civil dispute between the petitioner and respondents 3 and 4.

For Petitioner

:Mr.V.Thirumal

For Respondents

:Mr.R.Anandharaj for R1 & R2
Additional Public Prosecutor

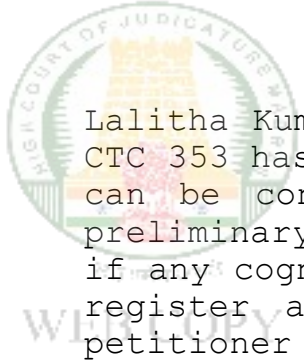
O R D E R

This 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 official respondent.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that on the complaint given by one Mani , enquiry was initiated in C.S.R.No.630/2018 against one Nagalakshmi, this petitioner and five others. He would further submit that summons have been issued to the petitioners for appearance and he had also given a letter on 29.12.2018 agreeing to appear before the respondent police on summons on 04.01.2019. Thereafter, he has not appeared for enquiry.

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, second 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 (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. C.C. to M/S.V.Thirumal, Advocate SR.No. 41300

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TM

JM/01.04.2019/2P/5C