



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 08.04.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5291 of 2019

WEB COPY

U.Jahir Hussain

... Petitioner

Vs.

1.The Inspector of Police,
Anna Nagar Police Station(L & O),
Madurai City.

2.S.Sanmugam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent Police herein not to harass the petitioner and his family members under the guise of enquiry and not to interfere in civil dispute.

For Petitioners	:	Mr.J.Jeyakumaran
For R-1	:	Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl. Side)

ORDER

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

2. Heard learned counsel appearing for the petitioners and learned Government Advocate (Crl. Side) for the first respondent.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending.

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 petitioners 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 respondents 1 to 3 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.



5. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (cs-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Anna Nagar Police Station (L & O),
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. J. Jeyakumaran, Advocate, SR.No.59840

Cr1.O.P.No.5291 of 2019
08.04.2019

SP/25.04.2019/2P/4C