



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1 OP(MD)No.5352 of 2019

Paulraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

3.The Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

4.Jesu

5.Jesuraja

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to, direct the 2nd and 3rd respondents not to harass petitioner under the guise of enquiry.

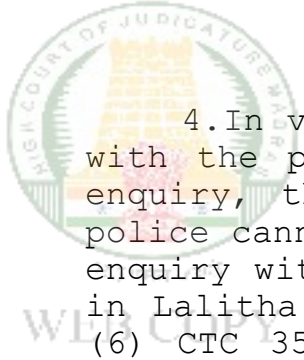
For Petitioner : Mr.R.Pon Karthikeyan
For Respondent : Mr.K.K.Ramakrishnan,
Nos.1 to 3 Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to direct the 2nd and 3rd respondents not to harass this petitioner.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing the respondent Police.

3.The learned Additional Public Prosecutor would submit that on a complaint given against the petitioner, petition enquiry is pending against the petitioner, on the file of the second respondent Police.



4. In view of the above, 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, respondent Police 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(P&A)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

3. The Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-61306[F] dated 16/04/2019)

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DS : 07/05/2019 : 2P/6C