



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P. (MD) No.5416 of 2019

Ajith @ Ajithkumar

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Palayamkottai, Tirunelveli 627 002.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.

3.The Inspector of Police,
Kadayam Police Station,
Kadayam, Tirunelveli District.

4.Jegadeesh

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the third respondent to not to harass the petitioner and his partners namely, Chandrasekara Pillai and Karthikeyan in the guise of enquiry on the basis of the representation of the petitioner dated 03.04.2019.

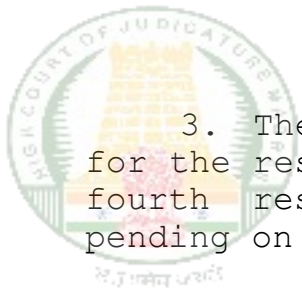
For Petitioner : Mr.S.Radhakrishnan

For R1 to R3 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1. Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the third respondent not to harass the petitioner and his partners namely, Chandrasekara Pillai and Karthikeyan in the guise of enquiry on the basis of his representation dated 03.04.2019.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents 1 to 3.



3. The learned Government Advocate (Criminal side) appearing for the respondent police submits that on the complaint given by the fourth respondent against the petitioner, petition enquiry is pending on the file of the third 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, first 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 direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
alayamkottai, Tirunelveli 627 002.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.
- 3.The Inspector of Police,
Kadayam Police Station,
Kadayam, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RADHA KRISHNAN, Advocate in SR-60071

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10.04.2019