



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2019

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

Crl.O.P. (MD)No.5581 of 2019

T.Kenderan

: Petitioner

Vs.

1.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Theni District, Theni.

2.The Inspector of Police,  
Cumbum South Police Station,  
Cumbum, Theni District.

3.R.Dhanuskodi

4.M.Varadharajan : Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass and not to interfere in the civil dispute of the petitioner's property, petitioner and the petitioner's family members under the guise of enquiry.

|                |                                                                 |
|----------------|-----------------------------------------------------------------|
| For Petitioner | : Mr.M.A.M.Raja                                                 |
| For R1 and R2  | : Mr.K.Suyambulinga Bharathi,<br>Government Advocate (Crl.Side) |
| For R3         | : Mr.H.Arumugam                                                 |

**ORDER**

This Criminal Original Petition has been filed seeking for a direction to the official respondents not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondents.

3. The learned Government Advocate (Criminal Side) would submit that the current paper is pending in C.S.R.No.122/2019, against the petitioner, petition enquiry is pending on the file of the respondent police.

4. The petitioner is directed to co-operate 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 (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS )

To

1. The Superintendent of Police,  
O/o. The Superintendent of Police,  
Theni District, Theni.
2. The Inspector of Police,  
Cumbum South Police Station,  
Cumbum, Theni District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to M/s.M.A.M.Raja, Advocate, SR.No.51383  
+1cc to Mr.H.Arumugam, Advocate, SR.No.61483

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SP/30.04.2019/2P/6C