



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM

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

Crl.O.P.(MD)No.5587 of 2019

1.Muniyandi @ Chinna Muniyandi
2.M.Tripathi
3.M.Pandi

: Petitioners

Vs.

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

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Virudhunagar District.

3.Anil Mehta

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein not to interfere with the civil dispute between the petitioners and the third respondent, except in accordance with due process of law.

For Petitioners : Mr.C.Jeganathan
for M/s.Veera Associates

For R1 and R2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent herein not to interfere with the civil dispute between the petitioners and the third respondent, except in accordance with due process of law.

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

3. The learned Government Advocate (Criminal Side) would submit that the enquiry is pending on the file of the respondent



police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioners 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, second respondent is free to register an FIR and this order shall not be a shield for the petitioners 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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.VEERA ASSOCIATES, Advocate, SR.No.61337

Cr1.O.P. (MD) No.5587 of 2019

DAS

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