



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1 OP(MD)No.5669 of 2019

Musthafa Kamal

... Petitioner

Vs.

1.The State represented by
The District Superintendent of Police,
Office of the District Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tuticorin District. ...Respondents

3.V.Mohan ...Defacto Complainant

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to direct the respondents/Police not to harass the petitioner.

For Petitioner : Mr.T.Velu
For Respondent : Mr.K.K.Ramakrishnan,
Nos.1 and2 Additional Public Prosecutor,

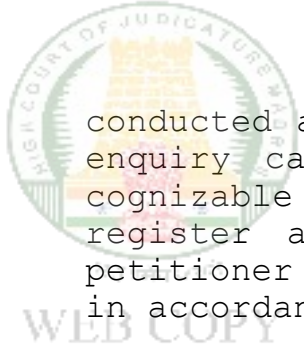
ORDER

This criminal original petition has been filed seeking to direct the respondent Police not to harass the petitioner.

2.Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing the respondents Police.

3.The learned Additional Public Prosecutor would submit that the the petitioner's son is involved in a number of cases. In connection with the same, the petitioner was enquired and there is no harassment as alleged by the petitioner.

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
<https://hsevisitors.gov.in/hsevisitors> 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 (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Superintendent of Police,
Office of the District Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tuticorin District.

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

+1cc to Mr. T. VELU, Advocate, SR.No. 61292

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DSK

KK/SAR/23.04.2019/ 2P- 5C