



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.(MD).No. 21475 of 2018

WEB COPY

1. I.Renganathakannan

2. Muthu Kumaran

.. Petitioners

Vs.

1. The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.

2. Udayakumar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the first respondent to not to harass the petitioners under the guise of enquiry, on the basis of the complaint lodged by the second respondent/Udaya Kumar.

For Petitioners

:

Mr.A. Thiruvadi Kumar

For Respondent-1

:

Mr.Robinson,
Government Advocate.

O R D E R

This Criminal Original Petition has been filed seeking, direction to the first respondent to not to harass the petitioners under the guise of enquiry, on the basis of the complaint lodged by the second respondent/Udaya Kumar.

2. Heard learned Counsel for the petitioners and the learned Government Advocate appearing for the first respondent.

3. The learned Government Advocate would submit that the petition enquiry is pending in No.P4/048322/2856/2018 against the petitioners, on the file of the respondent police.

4.The petitioners are directed to cooperate 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, first 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 (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A. Thiruvadi Kumar, Advocate Sr.No.99730

KSA

KM/PM/SAR1/21.01.2019/2P/4C

Cr1.O.P. (MD) .No. 21745 of 2018
10.12.2018