



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.15902 of 2019

Raman

... Petitioner

Vs

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

2.The Inspector of Police,
Kadampur Police Station,
Kadampur,
Tuticorin.

3.Govindaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent not to harass the petitioner in the guise of enquiry on the basis of petitioner's representation dated 23.10.2019.

For Petitioner

: Mr.M.Palani

For Respondents 1 & 2

: Mr.R.Anandharaj

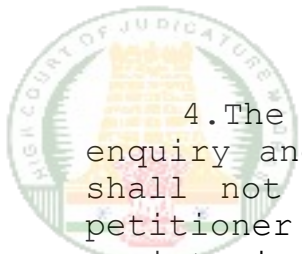
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to direct the second respondent not to harass the petitioner under the guise of enquiry on the basis of petitioner's representation dated 23.10.2019.

2.Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondent Police 1 and 2.

3.The learned Additional Public Prosecutor, on instruction, would submit that the complaint given by the third respondent police on 04.10.2019 has been forwarded to the concerned Deputy Superintendent of Police in turn the same has been forwarded to the Inspector of Police, Kadambur Police Station, Kadambur, on 15.10.2019. He further submitted that the case has been treated at the stage of petition enquiry.



4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting 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. The Hon'ble Supreme Court 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 and the same has to be complied with. During the course of enquiry, if any cognizable offence is made out, the first respondent is at liberty to register the 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, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Tuticorin District,Tuticorin.
- 2.The Inspector of Police,
Kadampur Police Station,
Kadampur,Tuticorin.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.PALANI, Advocate (SR-95794[F] dated 04/11/2019)
CRL.O.P (MD) No.15902 of 2019

04.11.2019

SMA/18/12/19/2P/5C