



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.15867 of 2019

A.Mahubabali

... Petitioner/Aggrieved Person
Vs

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.

3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

4.Syed Ibrahim ... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second and third respondents not to harass the petitioner on the complaint of the fourth respondent under the guise of holding an enquiry.

For Petitioner : Mr.R.Anand

For Respondents 1 to 3 : Mr.R.Anandharaj
Additional Public Prosecutor

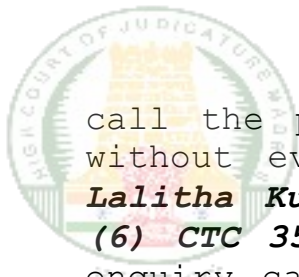
O R D E R

This petition has been filed seeking for a direction to direct the second and third respondents not to harass the petitioner on the complaint of the fourth respondent under the guise of enquiry.

2.The learned counsel appearing for the petitioner would submit that a counter case has been given against the fourth respondent and it is also pending before the second respondent police.

3.The learned Additional Public Prosecutor on instructions, would submit that on the complaint given by the fourth respondent against the petitioner, the petition enquiry is pending.

4.The petitioner is directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioner should 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, the second and third respondents are 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 direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

vsg

To

1. The Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
3. The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-96547[F] dated 06/11/2019)

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