



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.18089 of 2019

WEB COPY

Ramesh

..Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.Kodak Mahindra Bank Ltd,
Asset Reconstruction Division,
1st Floor, Ceebros Centre,
No.39, Montieth Road,
Egmore, Chennai -600008

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner based on enquiry.

For Petitioner : Mr.G.Kasinathadurai
For Respondents : Mr.S.Chandrasekar
1 & 2 Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to direct the second respondent not to harass the petitioner based on enquiry.

2.Today, when the matter is taken for hearing, the learned Additional Public Prosecutor, on instructions, would submit that on a complaint given by the 3rd respondent, enquiry has been initiated in current paper No.G3/024918/2957/2019, dated 20.11.2019 in respect of the allegation of grab the property.

3.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 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 concerned Inspector of Police is free to register an FIR and this order shall not be a shield for the



petitioner against the third respondent proceeding to take action in accordance with law.

4. With the above directions, the Criminal Original Petition is closed.

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Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

vsg

To:

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2. The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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

+1 CC to M/s. G. KASINATHA DURAI, Advocate (SR-103653[F] dated
05/12/2019)

Cr1.O.P. (MD). No. 18089 of 2019
05.12.2019

VSG

SMA/26/12/2019/2P/5C