



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD)No. 18056 of 2019

A. Sathish ... Petitioner

Vs

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

2. The Inspector of Police,
Puliyampatti Police Station,
Tuticorin District.

3. Rajkumar ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. To direct the respondents 1 & 2 not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.M. Murugesan

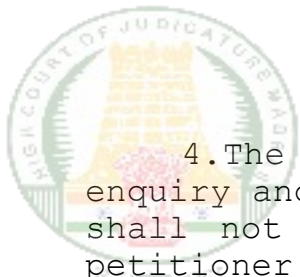
For R1 & R-2 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 & 2 not to harass the petitioner and his family members under the guise of enquiry.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2.

3.The learned Additional Public Prosecutor appearing for the respondents-1 & 2 would submit that on the complaint given by the de-facto complainant against the petitioner, petition enquiry is pending and C.S.R number is also issued, on the file of the second respondent police.



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 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 petitioner 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-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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

+1 CC to M/s.M.MURUGESAN, Advocate (SR-103367[F] dated 04/12/2019)

Cr1.O.P.(MD)No.18056 of 2019
04.12.2019

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SDS (20.12.2019) 2P 5C