

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No. 8345 of 2021

K.Boopathi

... Petitioner

Versus

1. The Superintendent of Police,
Erode District,
Erode.
 2. The Deputy Superintendent of Police,
Perundurai,
Erode District.
 3. The Inspector of Police,
Sivagiri Police Station,
Erode District.
- ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent herein NOT TO HARASS and interfere civil proceedings of the petitioner by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to direct the 2nd respondent not to harass and interfere with the civil proceedings of the Petitioner.

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

3.The learned Additional Public Prosecutor (Crl.side) appearing for the respondents submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in CSR No.26 of 2021 on the file of the third respondent police.

4.The petitioner is directed to co-operate 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 the 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 respondents are free to register an FIR and this order shall not be a shield for the petitioner against the respondents proceeding to take action in accordance with law.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Superintendent of Police,
Erode District,
Erode.
2. The Deputy Superintendent of Police,
Perundurai,
Erode District.
3. The Inspector of Police,
Sivagiri Police Station,
Erode District.
4. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.M.Guruprasad, Advocate SR.No. 26906

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A.SK(29.06.2021)