



Crl.O.P.(MD) No.17364 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17364 of 2022

M.Mahalingam

...Petitioner

VS

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

2.The Inspector of Police,
District Crime Branch,
Madurai.

3.The Sub Inspector of Police,
District Crime Branch,
Madurai.

4.Annakodi

5.The Inspector of Police,
Nagamalai Pudukottai,
Madurai District.

(R5 has been impleaded
vide order dated 29.09.2022)

...Respondents



Crl.O.P.(MD) No.17364 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to forebear the second Respondent from harassing the Petitioner in the name of enquiry of the complaint dated 03.09.2022.

For Petitioner : Mr.C.M.Arumugam
For R1 to R3 & R5 : Mr.B.Nambi Selvan
Government Advocate (Crl.side)
For R4 : No appearance

ORDER

This Criminal Original Petition has been filed to forebear the second Respondent from harassing the Petitioner in the name of enquiry based on the complaint of the fourth Respondent dated 03.09.2022.

2.When the case came up for hearing on 29.09.2022, the learned Counsel for the Petitioner submitted that the fourth Respondent had given a complaint, based on which the Respondents 2 and 3 had summoned the Petitioner. At that time, the fifth Respondent/the Inspector of Police, Nagamalai Pudukkottai, had summoned the Petitioner. Therefore, he had filed this petition, in which it was recorded that the complaint/petition, which was given earlier, was enquired and closed. Subsequent to that, the fourth Respondent is alleged to have preferred the second complaint.



Crl.O.P.(MD) No.17364 of 2022

WEB COPY

3.The learned Government Advocate (Crl.side) for the Respondents 1 to 3 and 5 would submit that the complaint received by the Respondents 2 and 3 are pending for enquiry, as per the reported ruling of the Hon'ble High Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***.

4.Considering the fact that the petition/complaint received from the defacto complaint is pending with the Respondents 2 and 3, the Petitioner is directed to cooperate with the pending enquiry. The Respondents 2 and 3 are directed to act as per the reported ruling of the Hon'ble High Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and the case of ***Arnesh Kumar Vs. State of Bihar and another*** ***[2014 (8) SCC 273]***.

5.With the above direction, this Petition is disposed of.

Internet:Yes/No
Index:Yes/No
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17.10.2022

3/4



Crl.O.P.(MD) No.17364 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
District Crime Branch,
Madurai.
- 3.The Sub Inspector of Police,
District Crime Branch,
Madurai.
- 4.The Inspector of Police,
Nagamalai Pudukottai,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL.O.P (MD) No.17364 of 2022

17.10.2022

4/4