



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.01.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.876 of 2020

V.Jeyaraj

... Petitioner

Vs.

1. The Director General of Police
Police Head Quarters
Dr.Radha Krishnan Salai
Mylapore, Chennai

2. The Superintendent of Police
CSCID, Madurai Zone
Madurai

3. The Deputy Superintendent of Police
CSCID, Plot No.444
Karpaga Nagar, K.Pudur
Madurai

4. The Inspector of Police
CSCID, Theni District

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the fourth respondent to not to harass the petitioner and his family members.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This writ petition has been filed to direct the fourth respondent to not to harass the petitioner and his family members.



2. The learned Additional Public Prosecutor would submit that the petitioner is an accused in two cases registered by the fourth respondent for the offences under Sections 6(4)TNSC(RDCS) Order 1982 r/w.7(1)(a)(ii)EC Act and thereby in respect of enquiry the respondents have issue notice to the petitioner for his appearance on 30.12.2019. However the petitioner has not appeared for enquiry, pursuant to the summons issued under Sections 41(A) of Cr.P.C.

3. The learned counsel for the petitioner would submit that the petitioner is a resident of Kerala and the respondent police are visiting his house and troubling the family members of the petitioner. He would also submit that the petitioner will appear before the respondent for enquiry on 27.01.2020 @ 11.00 am.,

4 In order to circumvent such situations, the following guidelines are issued:

a)While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant

c)The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

dThe police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

e)The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** shall be strictly adhered to.

5. At this juncture the learned Additional Public Prosecutor would submit that the respondent are ready to issue fresh summons to the petitioner and on receipt of the same, the petitioner may be directed to appear before the respondent for enquiry.

6. Recording the same, writ petition stands closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

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/ /2020

Sub Assistant Registrar(CS)



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To

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4. The Inspector of Police
CSCID, Theni District

+1 CC to M/s.R.VENKATESAN, Advocate (SR-2068[F] dated
21/01/2020)

W.P. (MD) No.876 of 2020
20.01.2020

DB (CO)
TR (03.02.2020) 3P 6C