



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

WEB COPY

CORAM:

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

Writ Petition(MD)No.2594 of 2020

S.Kumar

... Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.
- 4.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 3 and 4 not to harass the petitioner in the guise of enquiry by considering the petitioner's representation, dated 06.02.2020.

For Petitioner : Mr.R.Nireshkumar

For Respondents : Mrs.S.Bharathi,
Government Advocate(Crl.side)

ORDER

This writ petition has been filed seeking for a direction to the respondents 3 and 4 not to harass the petitioner in the guise of enquiry, by considering the petitioner's representation, dated 06.02.2020.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents

3. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. side), on instructions would submit that the petitioner is a habitual offender involved in lottery offences. She would further submit that the petitioner has been recently involved in Crime No.346 of 2018, registered for the offences under Sections 294(b), 506(ii) and 420 of IPC and Section 7(3) of the Lotteries (Regulation) Act, 1998, by the third respondent and the respondents have summoned the petitioner with regard to the enquiry.

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.

d) The 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 Government Advocate (Crl. side) would submit that the respondents 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. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 3.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.
- 4.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.P.SAMUEL GUNASINGH, Advocate (SR-5705[F] dated
11/02/2020)

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SDS (03.03.2020) 3P-6C