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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.3533 of 2021

M.Sanu Abraham
Proprietor,
Orchid Green Ayurvedic Massage Centre,
No.1, Jayalaniya 3rd Street,
TVS Tolgate, Trichy - 20. ... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirappalli City.

2.The Inspector of Police,
K.K.Nagar Police Station (Law & Order),
Thiruchirappalli City. ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere with the peaceful conduct of the petitioner's business.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.R.Erottusamy
Government Advocate (Criminal Side)

ORDER

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, seeking for a direction to the second respondent not to harass the petitioner and not to interfere with the peaceful conduct of the petitioner's business.

2.The learned counsel for the petitioner contended that the petitioner is running a Ayurvedic Massage Centre in the name and style of "Orchid Green Ayurvedic Massage Centre" at No.1, Jayalaniya 3rd Street, TVS Tolgate, Trichy, with highly qualified and trained male and female therapists and that the respondent police is frequently visiting the petitioner's Massage Centre and interfering with his business. He also drew the attention of this Court, to the orders passed by this Court in Crl.O.P(MD).No.13739 of 2019, dated

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27.09.2019, wherein, in Paragraph No.9, certain guidelines were issued and the same is extracted hereunder :-

"*9.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 minutes of the enquiry shall be recorded in the general diary / station diary /daily diary of the police station.

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

d)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."*

3.The specific contention of the learned counsel for the petitioner is that the respondent police without following the aforesaid guidelines, is harassing the petitioner and interfering with his business activities.

4.Mr.R.Erottusamy, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents, on instructions, would contend that no petition/complaint has been submitted by any person against the present petitioner.

5. However, the respondents / police are directed to follow the guidelines issued by this Court in Crl.O.P(MD).No.13739 of 2019, dated 27.09.2019, if any such complaint is lodged in future.

6.With the aforesaid direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirappalli City.

2.The Inspector of Police,
K.K.Nagar Police Station (Law & Order),
Thiruchirappalli City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-9727[F] dated 09/03/2021)

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08.03.2021

AC(CO)
TR(26.03.2021) 3P 5C

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