



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

WEB COPY

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4939 of 2022

Ganessan.R

... Petitioner

Vs.

1.The State Rep. by,
The Superintendent of Police,
Thiruvallur District, Chinna Ekkadu,
Jaya Nagar, Thiruvallur,
Tamil Nadu 602 001.

2.The State Rep by,
The Inspector of Police,
District Crime Branch,
Tiruvallur District,
Tamil Nadu 602 001.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st and 2nd respondents police not to harass the Petitioner in the C.No.:310/DSP/DCB/TLR/2021 dated 23.10.2021 and to pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.Nathan and Associates

For Respondent : Mr.V.Meganathan

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents police not to harass the Petitioner in C.No.:310/DSP/DCB/TLR/2021 dated 23.10.2021.

2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (crl.side) would submit that on the complaint given by one Elango, enquiry has been conducted in C.No.310/DSP/DCB/TLR/2021 and the same is pending on the file of the second respondent. He would further submit that the respondents police are not harassing the petitioner.



4. It is the grievance of the petitioner that the respondent police have been harassing him under the guise of enquiry/investigation and hence, have invoked the inherent powers of this Court under Section 482 of Cr.P.C.

6. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

8. In order to circumvent such situations, the following guidelines are issued:-

b) The respondents police are directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.

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.

(f) In the event of any cognizable offences made out, the respondent police shall register a regular case and follow the procedure in accordance with law.

9. With the above observations and direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1.The Superintendent of Police,
Thiruvallur District, Chinna Ekkadu,
Jaya Nagar, Thiruvallur, Tamil Nadu 602 001.

2.The Inspector of Police,
District Crime Branch,
Tiruvallur District, Tamil Nadu 602 001

3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.4939 of 2022

PMK(CO)
GN(22/03/2022)