



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6118 of 2022

Vikash

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Puliyanthoppu Range,
Chennai 600 012.
2. The Inspector of Police,
P-4, Basin Bridge Police Station, (Crime)
Chennai 600 012.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.C.Ramar

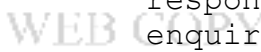
For Respondents : Mr.V.Meganathan,
Government Advocate(criminal side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner in the guise of enquiry.

2. The learned counsel appearing for the petitioner would submit that the second respondent harassed the petitioner under the guise of enquiry and thereby he seeks direction to the second respondent not to harass the petitioner under the guise of enquiry.

3. Mr.V.Meganathan, learned Government Advocate (Criminal side) appearing for the respondents would submit that on the complaint given by the petitioner, enquiry has been conducted in CSR No.56 of 2022 and the same is pending on the file of the second respondent. He would reiterate that the second respondent is not harassing the petitioner.



5. It is the grievance of the petitioner that the second respondent has 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.

7. 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.

9. 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.

<https://hcservices.ecourts.gov.in/hcservices/>



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.

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

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Assistant Commissioner of Police,
Puliyanthoppu Range,
Chennai 600 012.
2. The Inspector of Police,
P-4, Basin Bridge Police Station, (crime)
Chennai 600 012.
3. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.6118 of 2022

PMK[co]
NSK 01/04/2022