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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6572 of 2022

1. R.Babu
2. K.N.Siva

...Petitioners

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2. The Inspector of Police,
Land Grabbing Special Wing,
Thiruvallur District,
Thiruvallur.

3. C.Pattammal
4. N.Chandran

...Respondents

(R3 and R4 impleaded as per order in Crl.M.P.No.4452
of 2022 in Crl.O.P.No.6572 of 2022, dated 05.04.2022)

PRAYER: The Criminal Revision Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent NOT TO HARASS the petitioners without due process of law.

For Petitioners : Mr.K.Nagarajan

For Respondent : Mr.V.Meganathan

Government Advocate (Crl. side)

O R D E R

This Criminal Revision Petition has been filed seeking direction to the second respondent not to harass the petitioners without due process of law.

2. The learned counsel appearing for the petitioners would submit that the second respondent harassed the petitioners under the guise of enquiry and thereby he seeks direction to the



3. 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 Chandran, enquiry has been conducted in Current Paper No.05/DSP/ACGSC/TVLR/2022 dated 04.01.2022 and the same is pending on the file of the second respondent. He would further submit that the respondents police are not harassing the petitioners under the guise of enquiry.

5. It is the grievance of the petitioners 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 enquiry or 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 enquiry or investigation is brought to its notice.

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



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

a) While summoning any person for enquiry the guidelines stipulated for preliminary enquiry 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.

b) 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 mentioning the CSR number, date of complaint and the name of the complainant and he shall also specify the date and time for appearing before them for such enquiry/investigation.

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.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vkr/gba

To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
Land Grabbing Special Wing,
Thiruvallur District, Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6572 of 2022

RK(CO)
SP(11/05/2022)