



W.P.No.24730 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.24730 of 2021

M.Murugan

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
District Crime Branch,
Namakkal,
Namakkal District.

2. Mr.Lakshmanan,
Deputy Superintendent of Police,
District Crime Branch,
Namakkal,
Namakkal District.

... Respondents

Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Police not to harass the petitioner.

For petitioner : Mr.S.Bharanidharan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The Writ Petition has been preferred seeking a direction to the respondents not to harass the petitioner.

2. The brief facts of the case are that the petitioner is working as an employee in a Software company viz., Sysnet Global Service Pvt. Ltd., Chennai. His father late S.V.P.Mani committed suicide on 13.09.2021. The petitioner's father was a functionary in political party and he left a suicidal note by stating that he had obtained a sum of Rs.26 lakhs from one M.Arun Kumar by assuring to get a Government Job. In this regard, the father of the petitioner was facing constant Police pressure and hence he committed suicide. Thereafter, the petitioner attempted to give complaint on the same day, but the Police refused to receive the same. However, on the complaint given by Murugan and Sathyaraj, the petitioner is being summoned to appear for enquiry. The grievance of the petitioner is that in the guise of enquiry, the petitioner is being harassed by the respondent Police and hence he is constrained to file the present Writ Petition seeking direction not to harass him.

3. Heard Mr.B.Mohan, learned counsel for the petitioner and



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Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. The records would show that on the complaint given by Murugan and Sathyaraj by alleging that his father had got huge sum by assuring to secure a Government job for them, the petitioner was summoned to appear for an enquiry. It is further alleged that all the details with regard to the money received, are known to the petitioner.

5. However, it is brought to the knowledge of the Court that harassment was done to any one in the name of investigation, the aggrieved should not be left without any remedy. In the case in hand, the petitioner has alleged that he is being harassed by the police on the complaint given by the persons by names Murugan and Sathyaraj. Though it is obligatory on the part of the respondent Police to conduct enquiry, it is also equally obligatory on his part not to harass or ill-treat the petitioner in the name of enquiry or during the course of enquiry. Hence, I feel it is appropriate to issue the following directions to the respondents Police while conducting enquiry in the complaint:



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(i) The police officer shall send the written summon for enquiry under

Section 160 of Cr.P.C by mentioning the time and date for appearance for enquiry and also about the name of the person whose complaint is taken for enquiry.

(ii) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the concerned police station.

(iii) The respondents should ensure that no harassment is caused to the petitioner either physically or mentally by the police officer or any other officer of the department while enquiring the petitioner or other witnesses in this regard.

(iv) The essential guidelines laid down by the Hon'ble Supreme Court in the case of *Lalita Kumari Vs. Government of Uttar Pradesh and others* reported in **2014 (2) SCC (1)**, shall be strictly followed.

With the above direction, this Writ Petition stands disposed of. No costs.

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vum

Index:yes/No

Speaking order / Non speaking order



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To

WEB COPY

1. The Deputy Superintendent of Police,
District Crime Branch,
Namakkal,
Namakkal District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Namakkal,



WEB COPY



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R.N.MANJULA,J.

vum

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