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Crl.OP.No.29882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29882 of 2022

A.Arunkumar

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 007.

2.The Assistant Commissioner of Police,
T-4, Maduravoyal Police Station,
Chennai.

3.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner and his family members by considering the representation dated 18.10.2022.

For Petitioner

: Mr.D.Ashok Kumar

For Respondents

: Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioner.

2. The learned counsel for the petitioner submitted that the 3rd respondent Police is repeatedly slapping false case against the petitioner. A case in Crime No.1178 of 2020 filed against the petitioner was quashed by this Court in Criminal O.P.No.19751 of 2022. Again the 3rd respondent Police is harassing the petitioner. Therefore, this petition is filed on 30.11.2022. After filing the petition, summon was issued to the petitioner for appearance on 09.12.2022 before the 3rd respondent Police.

3. In response, learned Additional Public Prosecutor submitted that the petitioner is a habitual and notorious incorrigible property offender. It is necessary to keep him under close watch to curtail his activities. Therefore, history sheet was ordered to be opened against him. He submitted that he is involved in Crime No.204 of 2021 for the offence under Sections 341, 294(b),



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323, 397, 336 and 506(ii) of IPC. He further submitted that only in connection with the pending case, the petitioner was directed to appear for enquiry and nothing more.

4. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent police.

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

6. In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.

7. This Court directs the petitioner to co-operate with the respondent Police for enquiry and in order to circumvent such situations, the respondent



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Police is directed to follow guidelines issued:

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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 respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant

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/investigation.

8. It is further submitted by the learned counsel for the petitioner that the petitioner is writing his LLB Honours examination from 06.12.2022 to 21.12.2022. Therefore, the respondent Police is directed not to unnecessarily summon the petitioner during the period of examination for enquiry.



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9. With the above observations and direction, the Criminal Original

Petition stands disposed of.

12.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

gd

To

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- 2.The Assistant Commissioner of Police,
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Chennai.
- 3.The Inspector of Police,
K-10, Koyambedu Police Station,
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- 4.The Public Prosecutor,
High Court of Madras, Chennai.

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