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Crl.OP.No.30773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30773 of 2022

Mahendiran

Vs.

... Petitioner

1.The Superintendent of Police,
Kallakurichi,
Kallakurichi District,
Tamil Nadu.

2.The Deputy Superintendent of Police,
Kallakurichi,
Kallakurichi District,
Tamil Nadu.

3.The Inspector of Police,
Muffsel Police Sation,
Keelkuppam,
Chinnasalem Taluk,
Kallakurichi Distirict,
Tamil Nadu.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Inspector of Police, Muffsel Police Station, Keelkuppam, Kallakurichi District, not to harass to the petitioner.



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For Petitioner : Mr.M.Manikandan
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the third respondent not to harass the petitioner.

2. The learned counsel for the petitioner would submit that under the pretext of enquiry, the third respondent is unnecessarily harassing the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that on receiving the complaint from one Vinoth Kumar with regard to money transaction, enquiry has been conducted in CSR No.556 of 2022 and the same is pending for further investigation since the petitioner has not cooperated for enquiry.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents police.



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5. It is the grievance of the petitioner that the third respondent 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. In order to circumvent such situations, the following guidelines are issued:

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 third respondent is directed to serve summons mentioning the CSR



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number, date of complaint and the name of the complainant

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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.

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.

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

13.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
shk



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- 3.The Inspector of Police,
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Tamil Nadu.
- 4.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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