



Crl.O.P.No.30922 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30922 of 2022

B.Umesh Kumar

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Salai Road,
Vepery, Chennai – 600 007.
2. The Assistant Commissioner of Police,
Valasarvakkam,
Chowdry Nagar Main Road,
Chowdry Nagar,
Valasaravakkam,
Chennai 600 087.
3. The State represented by its,
Inspector of Police, (Crime)
R-5, Virugambakkam Police Station,
Chennai 600 092.

... Respondents



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PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to direct the second respondent not to harass the petitioner except in
accordance with law.

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

ORDER

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

2. Learned counsel for the petitioner submitted that under the pretext of
enquiry, the respondents police are unnecessarily harassing the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondents
submitted that on receiving the complaint from one Deepa Krishnan with regard
to the money dispute, enquiry has been conducted in
C.No.3488/COP/VISITORS/2022 and the petition enquiry is pending on the file
of the third respondent.



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4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents police.

5. It is the grievance of the petitioner that the respondents have 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



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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 respondents are 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;

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.

15.12.2022

Internet : Yes / No
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2. The Assistant Commissioner of Police,
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Chowdry Nagar,
Valasaravakkam,
Chennai 600 087.
3. The Inspector of Police, (Crime)
R-5, Virugambakkam Police Station,
Chennai 600 092.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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