



W.P.No.33627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.33627 of 2022
and
W.M.P.No.33081 of 2022

S.M.B.Sathik

... Petitioner

Vs.

1. The Joint Commissioner of Police,
West Zone, 2/14, NH716, Kamarjapuram,
Ambattur, Chennai - 600 053.

2. The Assistant Commissioner of Police,
Anna Nagar Range,
Anna Nagar, Chennai - 600040.

3. The Inspector of Police (Crime),
T- 5, Pattabiram Police Station,
Chennai - 600 072.

4. P.Mohamed Ashraf Buhari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the Respondents 1 to 3 from harassing/coercing the petitioner except by due process of law based on the false complaint given by the 4th respondent as against the petitioner.



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For Petitioner

: Mr.G.V.Sridharan

For R1 to R3

: Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 not to harass the petitioner.

2. The learned counsel for the petitioner submitted that, on the basis of the complaint given by the 3rd respondent / Mohamed Ashraf Buhari, before the District Crime Branch, Ramanathapuram, summons was received by the petitioner on 08.12.2022. The petitioner filed a suit in O.S.No.7179 of 2022 on the filed of the XIX Assistant Judge, City Civil Court at Chennai against the said Mohamed Ashraf Buhari for certain relief, in connection with certain monetary transactions between them. Thereafter, the petitioner and the 3rd respondent have resolved their dispute and infact, the petitioner paid a sum of Rs. 1,68,48,000, by way of bank transactions and the petitioner had filed a detailed reply before the 3rd respondent on 10.11.2022. Even thereafter, the respondents 1 to 3 have been harassing the petitioner under the guise of enquiry. Therefore,



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the present petition is filed.

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3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that on the basis of the complaint given by Mohamed Ashraf Buhari, current paper enquiry is pending in C.No.196/AL/2022.

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

5. 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.

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



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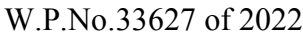
a) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

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.

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.



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To

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Anna Nagar, Chennai - 600040.
3. The Inspector of Police (Crime),
T- 5, Pattabiram Police Station,
Chennai - 600 072.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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