



Crl.OP.No.31203 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31203 of 2022

A.Shanmugam

... Petitioner

Vs.

1. State rep by its
The Superintendent of Police,
Erode District,
Erode.

2. The State Rep. by,
The Inspector of Police,
Perundurai Police Station,
Perundurai,
Erode District.

3. S.Natarajan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to direct the Respondents 1 & 2 to conduct and complete the preliminary enquiry pertaining to CSR No.315 of 2021 on the file of the 2nd respondent police in an efficient and effective manner.

For Petitioner

: Mr.R.Raghul

For R1 & R2

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed seeking direction to the Respondents 1 & 2 to conduct and complete the preliminary enquiry pertaining to CSR No.315 of 2021 on the file of the 2nd respondent police in an efficient and effective manner.

2. The learned Government Advocate (Crl. Side) submitted that, based on the complaint given by the petitioner, enquiry was conducted in CSR No. 315 of 2021. During the course of the enquiry, 3rd respondent agreed to settle the due amount to the petitioner within a month. Therefore, the petitioner enquiry in C.S.R.No.315 of 2021 was closed.

3. However, it appears that 3rd respondent has not complied with the undertaking given by him, due to which, the petitioner had given a representation to the 1st respondent. On the said representation, petition enquiry is pending.

4. Heard the learned Counsel for the petitioner and learned



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Government Advocate (crl.side) for the respondents police.

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5. 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 respondents police 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**



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Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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

19.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
sma



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To
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1. The Superintendent of Police,
Erode District,
Erode.
2. The Inspector of Police,
Perundurai Police Station,
Perundurai,
Erode District.
3. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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