



Crl.O.P.No.31510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31510 of 2022

J.Padmanaban

... Petitioner

Vs.

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

2. The Inspector of Police (Crime),
V7, Nolambur Police Station,
Mogapair,
Chennai - 600 037.

... Respondents

PRAYER: Criminal Original petition is filed under Sections 482 of Cr.P.C. pleaded to direct the Respondent Police not to harass the petitioner without any intimation or proper summon in connection with the Crime No. Unknown of 2022 on the file of the 2nd respondent police.

For Petitioner

: Mr.S.V.S. Ilamvazhuthi

For Respondents

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



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ORDER

This Criminal Original petition is filed not to harass the petitioner without any intimation or proper summon in connection with the Crime No. Unknown of 2022 on the file of the 2nd respondent police.

2. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that petitioner mortgaged certain jewels in Indian Overseas Bank, Nolambur Branch, in which, certain jewels were found to be of inferior quality. Therefore, on the basis of the complaint given by the Bank Manager, petitioner was called for enquiry and it is pending in CSR.No. 736 of 2022.

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

4. 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



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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.

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 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.



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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.

6. With the above observations and direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

21.12.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1. The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai - 600 007.
2. The Inspector of Police (Crime),
V7, Nolambur Police Station,
Mogapair,
Chennai - 600 037.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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