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Crl.OP.No.31473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31473 of 2022

Ravichandran

... Petitioner

Vs.

The State,
The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent police not to harass the petitioner.

For Petitioner : Mr.B.Gopalakrishnan

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

ORDER

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



Crl.OP.No.31473 of 2022

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

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that one Renuka, who is the sister of the petitioner, had donated her Kidney to the petitioner's wife Vijayalakshmi for transplantation. Thereafter, the said Renuka gave a complaint before the respondent police alleging that without her consent, her kidney was transplanted to the petitioner's wife. On receiving the complaint from the said Renuka, enquiry has been conducted and the same is pending for continuation of enquiry since the petitioner has not cooperated for enquiry.

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

5. It is the grievance of the petitioner that the respondent police 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.



Crl.OP.No.31473 of 2022

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 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.



Crl.OP.No.31473 of 2022

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.

20.12.2022

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

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Crl.OP.No.31473 of 2022

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- To
- 1.The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.
 - 2.The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.31473 of 2022

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.31473 of 2022

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