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Crl.OP.No.31521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31521 of 2022

P.Thomas

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Ashok Nagar,
Chennai - 600 083.

2. The Inspector of Police,
R-7, K.K.Nagar Police Station(Crime Branch)
Chennai - 600 078.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondents not to harass the petitioner in any manner in the name
of enquiry.

For Petitioner

: Mr.K.Jayachandiram

For Respondents

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



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ORDER

This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioner in any manner in the name of enquiry.

2. The learned counsel for the petitioner submitted that the petitioner has been unnecessarily harassing the petitioner on the basis of the complaint given by one Rachel Anisha John.

3. In reply, the learned Government Advocate (Crl.Side) submitted that on the basis of the complaint given by one Rachel Anisha John, enquiry in C.S.R.No.610 of 2022 is pending.

4. 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.



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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:

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.



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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.

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

21.12.2022

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

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To
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1. The Assistant Commissioner of Police,
Ashok Nagar,
Chennai - 600 083.
2. The Inspector of Police,
R-7, K.K.Nagar Police Station(Crime Branch)
Chennai - 600 078.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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