



Crl.O.P.No.31664 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31664 of 2022

R.Arul Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore District (Rural),
State Bank Road, Coimbatore District,
Tamil Nadu – 642 127.

2.The Deputy Superintendent of Police,
Old Bus Stand, Valparai,
Coimbatore District,
Tamil Nadu – 642 127.

3.The Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District,
Tamil Nadu – 642 117.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 not to harass the petitioner on the said complaint of the defacto complainant Parimala except due process of law.

For Petitioner : Ms.A.Bakkiya Lakshmi

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 not to harass the petitioner.

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

3. The learned Government Advocate (Criminal Side) submitted that petitioner's wife namely Parimala has given a complaint against the petitioner. In this regard, the respondent police have conducted enquiry in C.S.R No.36 of 2022 and it is pending for continuation of enquiry.

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

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



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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.

f) The petitioner is directed to co-operate for the enquiry.

8. With the above direction, the Criminal Original Petition stands disposed of.

22.12.2022

Internet:Yes/No
gd

To

- 1.The Superintendent of Police,
Coimbatore District (Rural),
State Bank Road, Coimbatore District,
Tamil Nadu – 642 127.
- 2.The Deputy Superintendent of Police,
Old Bus Stand, Valparai,
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3. The Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District,
Tamil Nadu – 642 117.

4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN,J.



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