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Crl.O.P.No.32578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.32578 of 2022

Elumalai

... Petitioner

Vs.

The Inspector of Police,
M4 Redhills Police Station,
Redhills, Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the respondent not to harass the petitioner in the guise of
enquiry.

For Petitioner	: Mr.P.V.Elango
For Respondent	: Mr.L.Baskaran
	Government Advocate(Crl.side)

ORDER

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



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2.Learned counsel for the petitioner submitted that under the pretext of enquiry, the respondent Police is unnecessarily harassing the petitioner.

3.Learned Government Advocate (Crl.Side) appearing for the respondent submitted that on receiving the complaint from one Muthuswamy with regard to the land dispute, enquiry has been conducted in C.S.R.No.171 of 2022 and the petition enquiry is pending on the file of the respondent.

4.Heard the learned Counsel for the petitioner and the 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.

6.In the present case in hand, the petitioner has complained of



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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 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.

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

28.12.2022

Internet : Yes / No

Index : Yes / No

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- 1.The Inspector of Police,
M4 Redhills Police Station,
Redhills, Chennai.
- 2.The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

sp/ham

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