



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.8161 of 2022

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LAN.ThanaBalamurugan

...Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.

2. The Deputy Superintendent of Police,
District Crime Branch (DCB),
Madurai.

3. C.Gothandaraman

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)
for R.1 & R.2

ORDER

This Criminal Original Petition has been filed seeking direction to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

2. The learned counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending on the file of the respondent police

4. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor (Criminal Side) for the respondent police.

offence i

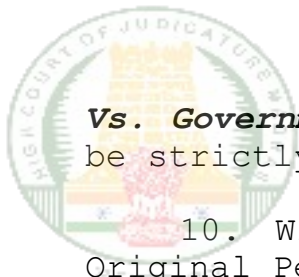
7. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

9. In order to circumvent such situations, the following guidelines are issued:

b) The respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant

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
<https://hcservicecourts.gov.in/hcservices/> 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.

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

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Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
District Crime Branch (DCB),
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.S.A.AJMAL KHAN, Advocate (SR-22273[F] dated 28/04/2022)

CrI.O.P.(MD) No.8161 of 2022
Date:28.04.2022

SA(25.05.2022) 3P 5C