



Crl.OP.No.580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.580 of 2023

Padaleeswaran

... Petitioner

Vs.

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

2.The Inspector of Police,
Poralam Police Station,
Thiruvarur District.

... Respondents

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.R.Sankarasubbu

For Respondents

: Mr.S.Santhosh
Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and his family members without due process of law to secure the ends of justice.



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2. The learned counsel for the petitioner submitted that the petitioner is a land owner and doing his cultivation work. However the respondent police is unnecessarily harassing him under the guise of quiry. In this regard the petitioner has filed a representation before the respondent police dated 29.12.2022 even thereafter there is harassment ,leading to filing of this petition.

3. The learned Government Advocate (Crl. Side) vehemently opposes by stating that the petitioner is a history sheeter and habitual offender with 23 pending previous cases and the respondent police are just doing their routine checkup.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

5. In the present case in hand, the petitioner has made a complaint of harassment by the police based on the complaint 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.



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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.

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.



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7. With the above observations and direction, the Criminal Original

Petition stands disposed of.

11.01.2023

Index : Yes / No
Speaking / Non Speaking order
Neutral Citation Case: Yes/No
Sma/nst

To

- 1.The Superintendent of Police,
Thiruvarur District,
Thiruvarur.
- 2.The Inspector of Police,
Poralam Police Station,
Thiruvarur District.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

Sma/nst

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