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Crl.OP.No.673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.673 of 2023

E.Balamurugan

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
B-4, North Beach Police Station,
Chennai 600 001.

2.A.Ahmed Ali
3.Mohamed Ziraudeen

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent not to harass the petitioner under the guise of the complaint given by the third respondent against the second respondent.

For Petitioners	: Mr.B.Thirumalai
For Respondent	: Mr.S.Santhosh Government Advocate(Crl.side) for R1



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ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner under the guise of the complaint given by the third respondent, against the second respondent.

2. The learned counsel for the petitioner submitted that one Mohamed Ziraudeen had given false complaint against the petitioner and another. The nature of the complaint is about money transaction and allegation of cheating. In this regard, the petitioner was asked to come for an enquiry on 28.10.2022. The petitioner appeared for enquiry and produced materials including bank statements during the course of enquiry and explained his position. Even thereafter, the first respondent police is harassing the petitioner under the guise of enquiry. Hence the petition.

3. In response, the learned Government Advocate (Criminal side) opposed this petition and submitted that on the basis of the complaint given by one Mohamed Ziraudeen, the petition enquiry is still pending in CSR No.327 of 2022.



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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 first 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 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



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160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The second 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.

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

12.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

- 1.The Inspector of Police,
B-4, North Beach Police Station,
Chennai 600 001.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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