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Crl.OP.No.695 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.695 of 2023

J.A.Pandiarajan

... Petitioner

Vs.

The Inspector of Police (Crime),
T-4, Sankar Nagar Police,
Pammal, Chennai 600 075.

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner under guise of enquiry on the false complaint.

For Petitioners : Mr.R.Baskar

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under guise of enquiry on the false complaint.

2. The learned counsel for the petitioner submitted that the petitioner is an agent of the LG products. The supplier is Palaniyappan Marketing Agency. One Seshagiri is the Proprietor of Palaniyappan Agency gave a false complaint against the petitioner. On the basis of the false complaint, the petitioner is harassed on the garb of enquiry. Hence this petition.

3. In response, the learned Government Advocate (Criminal side) submitted that the enquiry is pending. He also submitted that earlier complaint was given and that was closed as when summons issued on the petitioner but he has not appeared and cooperate with the enquiry.

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



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5. In view of the submission made by the learned Government Advocate (Criminal side), this Court directs the petitioner to cooperate for the enquiry.

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



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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

nsa

To

1.The Inspector of Police (Crime),
T-4, Sankar Nagar Police,
Pammal, Chennai 600 075.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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