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Crl.OP.No.1050 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1050 of 2023

J.Ethiraj

... Petitioner

Vs.

The State Rep. By,
Inspector of Police,
CCB team 1, Ist Floor Commissioner Office Building,
Vepery Chennai,
Tamil Nadu.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent not to harass the petitioners.

For Petitioner

: Mr.L.K.Charles Alexander

For Respondent

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

ORDER

This Criminal Original Petition has been filed to direct the respondent
police not to harass the petitioners.



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2. The learned counsel for the petitioner submitted that the petitioner is being harassed on the basis of the complaint given by unknown persons. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by one Rani, FIR in Crime No.259 of 2022 was registered for the offence under Sections 419, 420, 465, 467, 468, 471, 34 of IPC against four persons. Originally, petitioner is not an accused in this case. Based on the confession statement of the co-accused, petitioner is roped in this case as 9th accused. Therefore, petitioner was called for enquiry.

4. It is the grievance of the petitioner that the respondent police 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.

5. 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



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wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.

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



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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.

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

19.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

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1. Inspector of Police,
CCB team 1, 1st Floor Commissioner Office Building,
Vepery Chennai,
Tamil Nadu.

2. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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