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Crl.OP.No.1311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1311 of 2023

Thanikachalam

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvallur District
Thiruvallur.

2.The Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner under the guise of conducting an enquiry in connection with the petitioner's previous cases.

For Petitioners : Mr.M.P.Saravanan

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed for directing the 2nd respondent not to harass the petitioner under the guise of conducting an enquiry in connection with the petitioner's previous cases.

2. The learned counsel for the petitioner submitted that the respondent police is unnecessarily harassing the petitioner in connection with his previous cases.

3. In response, learned Government Advocate (Criminal Side) submitted that, there are two First Information Reports pending against the petitioner in Crime No.383 of 2018 and Crime No.65 of 2019. The petitioner is a named accused in both the cases. He was arrested and released on bail in these cases. Therefore, he prays for dismissal of this petition.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (crl.side) for the respondents.



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5. 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.

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 meet 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.



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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.



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24.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

- 1.The Superintendent of Police,
Thiruvallur District
Thiruvallur.
- 2.The Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
Madras High Court.

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G.CHANDRASEKHARAN,J.

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