



Crl.OP.No.1836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1836 of 2023

1.Revathi
2.Senthilvel

... Petitioners

Vs.

1. The Superintendent of Police,
Tiruppur District,
Palladam main Road, Karuppa Gaudanpalayam, Tiruppur,
Tamil Nadu 641 604.

2. The Deputy Superintendent of Police,
Udumalpet, Tiruppur District,
Udumalaipettai, Tamil Nadu 642 126.

3. The Inspector of Udumalpet Police Station,
Tiruppur District, Udumalaipettai,
Tamil Nadu 642 126.

4. The Sub – Inspector of Police Udumalpet,
Tiruppur District, Udumalaipettai,
Tamil Nadu 642 126.

... Respondents

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



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For Petitioner : Mr.A.Ashwin Kumar
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.

2. The learned counsel for the petitioner submitted that the first petitioner purchased property from one Kannayiram on 14.09.2022 through registered sale deed. Later, Kannaiyaram gave a complaint before the respondent police stating that the sale deed was executed by exercising his old age and misrepresentation. Thereafter, petition enquiry was conducted in CSR.No.614 of 2022. Petitioners agreed to resell the property provided the sale consideration was paid by Kannayiram. However, the said Kannayiram had not repaid the amount. Petitioners are being harassed by the respondent police on the basis of the complaint given by said Kannayiram, necessitating the filing of this petition.

3. The learned Government Advocate (Crl. Side) submitted that based on



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the complaint lodged by Kannayiram, petitioner enquiry in C.S.R.No.614 of 2022 was conducted and the same was temporarily closed based on the undertaking given by petitioners that they would resell the property to Kannayiram. Thereafter, a fresh complaint dated 26.01.2023 was given by the same Kannayiram against the petitioners. For which, enquiry is pending in C.S.R.No.46 of 2023.

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

6. In order to meet such situations, the following guidelines are



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issued:

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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.

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



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Petition stands disposed of.

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30.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

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2. The Deputy Superintendent of Police,
Udumalpet, Tirupur District,
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3. The Inspector of Udumalpet Police Station,
Tirupur District, Udumalaipettai,
Tamil Nadu 642 126.
4. The Sub – Inspector of Police Udumalpet,
Tirupur District, Udumalaipettai,
Tamil Nadu 642 126.
5. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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