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CrI.OP.No.2264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.2264 of 2023

R.Rangasamy

... Petitioner

Vs.

1. The Inspector of Police,
B1, North Coast Police Station,
Crime Branch, Chennai 01.

2. P.Arokiaraj
Respondents

...

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass the petitioner, under the guise of inquiry and since civil dispute exist between petitioner with 2nd respondent.

For Petitioner

: Mr.L.Arockia Selvaraj

For Respondent

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

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioner, under the guise of inquiry and since civil dispute exist between petitioner with 2nd respondent.



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2. The learned counsel for the petitioner submitted that there was a monetary transaction between the petitioner and the 2nd respondent. Based on the complaint given by the 2nd respondent, respondent police is harassing the petitioner, necessitating the filing of this petition.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by the 2nd respondent, enquiry is pending in C.S.R.No.271 of 2022.

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.



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6. 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.

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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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Inspector of Police,
B1, North Coast Police Station,
Crime Branch, Chennai 01.

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

G.CHANDRASEKHARAN,J.



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