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Crl.O.P.No.2494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2494 of 2023

Kantharaj

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
SIPCOT Police Station,
Hosur,
Krishnagiri District.
3. The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District.

... Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the first respondent to direct the second and third respondents
not to harass the petitioner without due process of law to secure the ends of
justice.

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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents not to harass the petitioner.

2. Learned counsel for the petitioner submitted that the respondents police are unnecessarily harassing the petitioner, under the pretext of enquiry.

3. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioner is a named accused in three cases which are tabulated as follows. He further submitted that only in connection with those cases, the petitioner was called for enquiry.

<i>S.No</i>	<i>Police Station</i>	<i>Crime No.</i>	<i>Offences</i>
1.	HUDCO PS	539 of 2017	120(B), 341, 149, 302, 201 IPC
2.	HUDCO PS	189 of 2021	147, 148, 364, 302, 201 IPC
3.	SIPCOT PS	201 of 2021	147, 148, 341, 294(b), 302, 506(ii) & 109 IPC r/w 120 (B) of IPC



4. Considered rival submissions and perused the records. Perusal of the records shows that the petitioner is a named accused in the above mentioned cases.

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 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 respondents are 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. In view of the submissions made by the learned Government Advocate (Crl.Side) that the petitioner is a named accused in Crime Nos.539 of 2017, 201 & 189 of 2021, this Court directs the respondent to follow the procedure established by law, while conducting investigation in this case. Also, the petitioner is directed to cooperate with the enquiry that is being conducted by the respondent Police.

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



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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

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Hosur,
Krishnagiri District.
3. The Inspector of Police,
HUDCO Police Station,
Hosur,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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