



Crl.OP.No.3473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3473 of 2023

S.Selvaraj

... Petitioner

Vs.

1.The Superintendent of Police
The Superintendent Thiruvarur office,
Thiruvarur District.

2.The Inspector of Police
Kooththanallur Police Station,
Kooththanallur,
Thiruvarur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner from evict the land in Survey No.80/13B total admeasuring about 2.75 Acre/Cents situated in vizhalkottgum Village, Vellakkudi circle, Needamangalum Taluk, Thiruvarur District, till pending disposal of the A.S.No.23 of 2021 on the file of the Sub-Court, Mannargudi.

For Petitioner : Mr.G.Mohan
For Respondents : Mr.S.Santhosh



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Government Advocate(Crl.side)

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ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner from evict the land in Survey No.80/13B total admeasuring about 2.75 Acre/Cents situated in vizhalkottgum Village, Vellakkudi circle, Needamangalum Taluk, Thiruvarur District, till pending disposal of the A.S.No.23 of 2021 on the file of the Sub-Court, Mannargudi.

2.The learned counsel for the petitioner submitted that respondents are trying to forcibly evict the petitioner from the land in survey No.80/13B measuring 2.75 Acres in vizhalkottgum Village, Vellakkudi circle, Needamangalum Taluk, Thiruvarur District. One A.V.M.Uthrapathi and others filed a suit in O.S.No.12 of 2016 against the petitioner for recovery of possession and that suit was decreed on 25.01.2021. Against the said judgment, petitioner filed Appeal in A.S.No.23 of 2021 on the file of Sub Court, Mannargudi. When the Appeal is pending, at the instance of plaintiffs in the suit, respondent Police are trying to forcibly evict the petitioner. He also submitted that plaintiffs have filed E.P.No.6 of 2021 for delivery of possession



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and it is pending. No order for delivery is passed so far as per the instructions received by the petitioner.

3.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.

4.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.

5. 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.

6.In view of the submissions of the learned counsel for the petitioner, this Court directs the respondent Police not to take any action against the Civil Court's order.



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

15.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

1. The Superintendent of Police
The Superintendent Thiruvarur office,
Thiruvarur District.
2. The Inspector of Police
Kooththanallur Police Station,
Kooththanallur,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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