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Crl.OP.No.2413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2413 of 2023

1. Mohan Kumararamangalam
2. Gowdaman alias Gowthaman

... Petitioners

Vs.

1. The Inspector of Police,
Central Crime Branch,
Tambaram City Police, Sholinganallur,
Chennai – 600 119.

2. H. Kailasam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass the petitioners under the guise of enquiry in a matter not pertaining to the 1st respondent.

For Petitioner : Mr.K.R.Ananda Gomathy

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioners under the guise of enquiry in a matter not pertaining to the 1st respondent.

2. The learned counsel for the petitioner submitted that petitioners are working in City Union Bank. There appears some issue with regard to issuance of sale certificate. In this regard, R2 had given complaint. On the basis of the said complaint, respondent police is unnecessarily harassing the petitioners.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint given by the 2nd respondent alleging certain fraud said to have been committed by the Bank, Current paper enquiry in C.P.No,1148 of 2022 is pending.

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.



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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 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.



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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 Petition stands disposed of.

02.02.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1. The Inspector of Police,
Central Crime Branch,
Tambaram City Police, Sholinganallur,
Chennai – 600 119.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

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