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CrI.OP.No.5084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.5084 of 2023

1.Sivakumar

2.Tamilselvi

3.Vijayakumar

4.V.Vijaya

5.Ragulbalaji

... Petitioners

Vs.

1. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

2. Belomeenammal

3. Chandrakumar

4. Kumaresan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent herein not to harass the petitioners as well as their family members without any legally sustainable complaint.

For Petitioners

: Mr.D.Balamuruga Pandi



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For Respondent

: Mr.S.Santhosh (For R1)
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent herein not to harass the petitioners as well as their family members without any legally sustainable complaint.

2. The learned counsel for the petitioners submitted that 1st respondent is unnecessarily harassing the petitioners on the basis of chit transactions.

3. The learned Government Advocate (Crl. Side) submitted that 1st, 3rd and 5th petitioners are named accused in Crime No.229 of 2023 registered for the offence under Sections 120 B, 406, 420 & 506(2) of IPC, on the basis of the complaint given by one Sathyamoorthy.

4. It is the grievance of the petitioners 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 petitioners have complained of



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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.

d) The police officer shall refrain himself or herself from harassing



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persons called upon for enquiry/investigation.

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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.

06.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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1. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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