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Crl.OP.No.3953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3953 of 2023

M.Jafar Sadiq

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
K4 Police Station,
Aminjakarai Zonal
Chennai.

2.P.V.Balasubramiam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent for “Not to Harass” the petitioner except the due
process.

For Petitioner

: Mr.F.Najimudeen

For Respondents

: Mr.S.Santhosh (For R1)

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent for
“Not to Harass” the petitioner except the due process.



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2. The learned counsel for the petitioner submitted that petitioner borrowed a sum of Rs.3 lakhs from the defacto complainant Balasubramaniam. He repaid the bulk part of the amount and only a sum of Rs.40,000/- is remaining to be paid. For which, 2nd respondent lodged a complaint against the petitioner, based on which, respondent police is unnecessarily harassing the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that, based on the complaint given by 2nd respondent in connection with monetary dispute, petition enquiry is pending in C.No.155/AC/Rage/PG/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.



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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.

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.

22.02.2023

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



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To

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1. The Superintendent of Police,
Thiruvallur District.
2. The Assistant Commissioner of Police,
K4 Police Station,
Aminjakarai Zonal
Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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