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Crl.OP.Noa.3378 & 3384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.3378 & 3384 of 2023

Siddharth Khicha ... Petitioner in Crl.O.P.No.3378 of 2023

Pratik Parmar ... Petitioner in Crl.O.P.No.3384 of 2023
Vs.

1. The Inspector of Police,
J-2, Adyar Police Station (Crime),
Adayar, Chennai – 600 020.

2. Land Marvel Homes ... Respondents in both Crl.O.P's

PRAYER in both Crl.O.P's: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent not to harass the petitioners under the guise of enquiry based on the complaint of 2nd respondent received by the respondent police.

For Petitioner : Mr.Gautam S.Raman
for M/s. Raman and Associates

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



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case and investigate the matter and submit a report on or before 2022. In pursuance to the direction given by the IXth Metropolitan Magistrate, Chennai, 1st respondent has issued summons to the petitioners. However, they have not appeared for enquiry.

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.

5. In the present case in hand, the petitioners had 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:



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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 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.



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

14.02.2023

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

To

1. The Inspector of Police,
J-2, Adyar Police Station (Crime),
Adayar, Chennai – 600 020.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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