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Crl.OP.No.3654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3654 of 2023

Jayanthi

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Muthulakshmi Road, LB Road,
Indira Nagar, Adyar,
Chennai – 600 020.

2.The Inspector of Police,
R-6, Kumaran Nagar,
Ashok Nagar Police Station,
Chennai – 600 083.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent and his men not to harass the petitioner except due process of law.

For Petitioner : Mr.A.Athishayaa
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent and his men not to harass the petitioner except due process of law.

2.The learned counsel for the petitioner submitted that based on the complaint given by one Arunachalam alleging that petitioner's husband borrowed a sum of Rs.45,00,000/-, petitioner is unnecessarily harassed by the respondents.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner's husband G.K.Ramesh and Arunachalam, as per the complaint given by Arunachalam were doing business. In the said business petitioner's husband G.K.Ramesh had borrowed a sum of Rs.45,00,000/- from Arunachalam. On the basis of the complaint, petition enquiry is pending in C.S.R.No.92 of 2023.



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4.It is the grievance of the petitioner that the respondent police has been harassing her 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 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.



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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.

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

20.02.2023

Internet : Yes / No
Index : Yes / No
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To

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Indira Nagar, Adyar,
Chennai – 600 020.
- 2.The Inspector of Police,
R-6, Kumaran Nagar,
Ashok Nagar Police Station,
Chennai – 600 083.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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