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Crl.OP.No.3946 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.3946 of 2023

D.Gopalakrishnan

... Petitioner

Vs.

1.State Rep by,
The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram Zone, Sholinganallur,
Chennai – 600 119.

2. The Investigation Officer,
Entrustment Document Fraud -I
Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai – 600 119.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent, The Investigation Officer, Entrustment Document Fraud -I, Central Crime Branch, Tambaram City Police, not to harass the petitioner under the guise of enquiry.

For Petitioner

: M/s.M.Rebecca

For Respondents

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



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ORDER

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2. The learned counsel for the petitioner submitted that one Ashok Kumar executed sale agreement in favor of one R.S.Mohan. Petitioner is no way connected with the sale agreement. However, 2nd respondent police harassing the petitioner under the guise of enquiry.

3. In response, the learned Government Advocate (Crl. Side) submitted that, one R.S.Mohan gave a complaint against the petitioner alleging forgery of documents, based on which, current paper enquiry in C.No.09 of 2023 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.

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
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The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram Zone, Sholinganallur,
Chennai – 600 119.

2. The Investigation Officer,
Entrustment Document Fraud -I
Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai – 600 119.

3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

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