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Crl.OP.No.4195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4195 of 2023

Elumalai

... Petitioner

Vs.

1. The Superintendent of Police,
Ranipet District,
Ranipet.

2. The Inspector of Police,
Thakkolam Police Station,
Ranipet District,
Ranipet.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner as per the representation
letter dated on 13/02/2023 given to the 2nd respondent.

For Petitioner

: Mr.Suresh Ethiraj

For Respondents

: Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent
not to harass the petitioner as per the representation letter dated on 13.02.2023



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given to the 2nd respondent.

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2. Learned counsel for the petitioner submitted that there is a civil suit pending between the petitioner and Chithrangi. Karthik is no way involved in the civil dispute, however, on the basis of his complaint, respondents are harassing the petitioner, therefore this petition.

3. In response, learned Government Advocate (Crl.side) submitted that on the basis of the complaint given by Karthik, current paper enquiry is pending in C.No.E3/017954/1504/22.

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 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



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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.

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

27.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

mpl

To

1. The Superintendent of Police,
Ranipet District,
Ranipet.
2. The Inspector of Police,
Thakkolam Police Station,
Ranipet District,
Ranipet.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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