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Crl.O.P.No.5318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.5318 of 2023

Dhanasekaran

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi Commissionerate,
Avadi,
Chennai – 600 072.

2.The Inspector of Police,
T.2, Ambattur Estate Police,
Ambattur,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Inspector of Police, T-2, Ambattur Estate Police Station, the second respondent herein not to harass the petitioner without due process of law to secure the ends of justice and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Santhosh

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to direct the Inspector of Police, T-2, Ambattur Estate Police Station, the second respondent herein not to harass the petitioner.

2.The learned counsel for the petitioner submitted that based on the complaint given by one Sethuraman, petitioner is unnecessarily harassed by the second respondent.

3.In response, the learned Government Advocate (Criminal Side) submitted that Sethuraman gave a complaint against the petitioner and three others in connection with money transaction on the allegations of cheating. During the course of enquiry, parties have given undertaking to settle the issues and therefore the petition enquiry in C.No.2019 of 2022 was temporarily closed.

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 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.

08.03.2023

Internet:Yes
Index:Yes/No
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To:

- 1.The Commissioner of Police,
Avadi Commissionerate,
Avadi,
Chennai – 600 072.
- 2.The Inspector of Police,
T.2, Ambattur Estate Police,
Ambattur,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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