



Crl.OP.No.4201 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.4201 of 2023

E.V.Vishnu Prasad

... Petitioner

Vs.

1.State Rep by

The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Greater Chennai,
Chennai – 600 007.

2. State Represented by

The Inspector of Police (AWPS),
R9 Valarasaravakkam Police Station,
Valasaravakkam,
Chennai – 600 087.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to consider the petitioner's representation dated 17.02.2023 and not to harass the petitioner in the blanket of enquiry in C.S.R.No.Not Known.



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For Petitioner : Mr.L.Infant Dinesh
For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to consider the petitioner's representation dated 17.02.2023 and not to harass the petitioner in the blanket of enquiry in C.S.R.No.Not Known.

2. The learned counsel for the petitioner submitted that based on the complaint given by one Priya, 2nd respondent police is unnecessarily harassing the petitioner. He further submitted that petitioner is infact victim of one Priya. Priya earlier had love affair with one Oliver and Felix. Now, Priya had given false complaint against the petitioner. On the basis of the said complaint, petitioner is unnecessarily harassed by the respondent police.

3. In response, learned Government Advocate (Crl. Side) submitted that, based on the complaint given by one Priya, FIR in Crime No.01 of 22 was registered for the **offences under Sections 417 and 506(1) of IPC** and it is



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pending investigation.

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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 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



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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.

08.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To
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2. State Represented by
The Inspector of Police (AWPS),
R9 Valarasaravakkam Police Station,
Valasaravakkam,
Chennai – 600 087.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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