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Crl.O.P.No.5005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5005 of 2023

A.Rahamathullah

... Petitioner

Vs.

The State represented
by its Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai – 600 041.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent herein not to harass the petitioner and consider my representation dated 21.02.2023, by appreciating the above stated facts and circumstances.

For Petitioner : Mr.R.Asokan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent herein not to harass the petitioner and to consider his representation dated 21.02.2023

2. Learned counsel for the petitioner submitted that petitioner is



Crl.O.P.No.5005 of 2023

unnecessarily harassed by the respondent police in connection with a NDPS case. He is no way involved in this case, therefore this petition.

3. In response, learned Government Advocate (Crl.side) submitted that petitioner's two-wheeler bearing No.TN 05 BA 2695 was involved in NDPS case. The rider of the two-wheeler, on seeing the police, abandoned the vehicle and escaped. On search, it was found that the vehicle contained 50 grams of ganja and a Oppo cellphone. Only in connection with this case, notice was served to the petitioner for enquiry.

4. In light of the submissions of the learned Government Advocate (Crl.side) that 50 grams of ganja and a Oppo cellphone were found in the two-wheeler bearing No.TN 05 BA 2695, this Court directs the petitioner to co-operate with the respondent police for investigation.

5. 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.

6. 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



Crl.O.P.No.5005 of 2023

be the same to the police officer.

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7. 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.

e) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of**



Crl.O.P.No.5005 of 2023

Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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

06.03.2023

Internet: Yes
Index: Yes/No

mpl

To:

1. The Inspector of Police,
J-6 Thiruvannamipur Police Station,
Chennai – 600 041.

2. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5005 of 2023

G.CHANDRASEKHARAN, J.
mpl

Crl.O.P. No.5005 of 2023

06.03.2023