



WEB COPY



Crl.OP.No.4993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4993 of 2023

Gowtham

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nagapattinam,

3. The Inspector of Police,
Velankanni Police Station,
Nagapattinam.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd respondent police not to harass the petitioner and his family members.

For Petitioner

: Mr.K.Pragadeesh Kumar
(through Video Conferencing)

For Respondent

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



Crl.OP.No.4993 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the 3rd respondent police not to harass the petitioner and his family members.

2. The learned counsel for the petitioner submitted that petitioner is unnecessarily harassed by the respondent police on the ground that there are criminal cases pending against the petitioner.

3. In response, the learned Government Advocate (Crl. Side) submitted that, petitioner is a named accused in two criminal cases. In Crime No.288 of 2022, petitioner is the 17th accused and this case was registered for the offence under Section 302 of IPC and other offences by 3rd respondent police. In Crime No.309 of 2022, petitioner is an accused and it was registered for the offence under Section 506(ii) of IPC by the 3rd respondent police. Only in connection with these pending cases, he was called for enquiry.

4. It is the grievance of the petitioner that the respondent police has been



Crl.OP.No.4993 of 2023

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 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



Crl.OP.No.4993 of 2023

diary/daily diary of the police station.

WEB COPY

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.

003.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
Sma

G.CHANDRASEKHARAN,J.

Sma



Crl.OP.No.4993 of 2023

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nagapattinam,
3. The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.4993 of 2023

03.03.2023