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Crl.OP.No.4665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4665 of 2023

Thamizhazhgan

... Petitioner

Vs.

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

2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam,
Cuddalore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner.

For Petitioner

: Mr.M.Selvam

For Respondents

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



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ORDER

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This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner.

2. It is submitted by the learned counsel for the petitioner that the petitioner is being unnecessarily harassed by the respondent police alleging that he is involved in selling banned lotteries. Petitioner is working under one Sadhasivam as an accountant and he is not involved in selling of banned lottery.

3. In response, learned Government Advocate (Crl. Side) submitted that petitioner is a named accused in four cases involved in selling of banned lotteries. Only in connection with the complaints of selling of banned lotteries, he was called for enquiry.

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



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diary/station diary/daily diary of the police station.

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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.

02.03.2023

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

To

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



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G.CHANDRASEKHARAN,J.

mpl

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