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Crl.OP.No.4760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4760 of 2023

S.Robinson

... Petitioner

Vs.

1. The Commissioner of Police,
O/o Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai.
2. The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police,
Avadi Commissioneratem
Avadi, Chennai – 600 054.
3. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Avadi Tank Factory,
Avadi, Chennai – 600 054.
4. State Represented by,
The Inspector of Police,
T-6, Avadi Police Station,
Chennai – 600 054.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,



Crl.OP.No.4760 of 2023

to direct the 4th respondent not to harass the petitioner in view of the case in Crime No. Not Known of 2023 on the file of the 4th respondent.

For Petitioner : Mr.P.K.Ganesh
For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 4th respondent not to harass the petitioner in connection with case in Crime No. Not Known of 2023.

2. The learned counsel for the petitioner submitted that petitioner was working as a cashier in M/s.Velammal Vidyalaya, Avadi. On the basis of the false allegation that he had misappropriated more than Rs.1 lakh, he has been unnecessarily harassed by the respondent police. He further submitted that petitioner filed anticipatory bail petition before this Court in Crl.O.P.No.1097 of 2023, wherein interim anticipatory bail was granted and further, this Court directed the respondent to issue notice under Section 41(A) of Cr.P.C for enquiry. He further submitted that petitioner also appeared for enquiry on



Crl.OP.No.4760 of 2023

06.02.2023, even without any summons. Even then, petitioner is repeatedly harassed on the basis of the false complaint.

4. In response, learned Government Advocate (Crl. Side) submitted that petitioner is a cashier in M/s. Velammal Vidyalaya, Avadi and had misappropriated to the tune of Rs.1 lakh. So far, four persons had given complaint against the petitioner and CSR was also registered and enquiry is being conducted. Petitioner is not co-operating with the enquiry and he had switched off his cell-phone. Summons were sent to petitioner to appear for enquiry, however, petitioner did not appear for enquiry.

5. Considering the nature of allegations made in the complaint, petitioner is directed to co-operate with the enquiry and the respondent police is directed to follow the procedure established by law.

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



Crl.OP.No.4760 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.

7. 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.

8. 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.4760 of 2023

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.

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

03.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

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Crl.OP.No.4760 of 2023

To

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2. The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police,
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Avadi, Chennai – 600 054.
3. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Avadi Tank Factory,
Avadi, Chennai – 600 054.
4. The Inspector of Police,
T-6, Avadi Police Station,
Chennai – 600 054.
5. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.4760 of 2023

03.03.2023