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CrI.OP.No.4691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.4691 of 2023

1.Karunakaran
2.Bavithra

... Petitioners

Vs.

1. The Inspector of Police,
Central Crime Branch,
Salem Town Police Station,
Salem City.

2. M.SayedRahman

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 1st respondent not harass petitioners under the guise of inquiry
and since civil dispute exist between petitioners with respondents.

For Petitioners

: Mr.I.Arockia Selvaraj

For Respondents

: Mr.S.Santhosh,(for R1)
Government Advocate(CrI.side)



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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not harass the petitioners under the guise of enquiry, since civil dispute exist between petitioners with respondents.

2. It is submitted by the learned counsel for the petitioners that there is a civil dispute pending between the 1st petitioner and the 2nd respondent in O.S.No.358 of 2021 on the file of the II Additional District Munsif Court, Puducherry. When the civil suit is pending, 1st respondent is harassing the petitioners on the basis of the complaint given by the 2nd respondent. He further submitted that 1st respondent is also impleaded as 2nd defendant in this suit.

3. In response, learned Government Advocate (Crl. Side) submitted that on the basis of the complaint given by the 2nd respondent, First Information Report in Crime No.6 of 2023 for the offences under Sections 420, 120B, 406 and 408 of IPC was registered by Central Crime Branch, Salem and investigation is pending. Only in connection with the investigation, petitioners



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are called for enquiry.

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4. It is the grievance of the petitioners that the respondent police has been harassing them 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 petitioners have 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 petitioners 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.



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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 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
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To

1. The Inspector of Police,
Central Crime Branch,
Salem Town Police Station,
Salem City.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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