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Crl.OP.No.5086 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.5086 of 2023

S.Harush Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Commissioner of Police,
Egmore,
Chennai – 600 007.

2. The Deputy Commissioner of Police,
Mylapore Range,
Chennai – 600 004.

3. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai – 600 018.

... Respondents

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

For Petitioner

: Mr.C.K.M.Appaji

For Respondents

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



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ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent not to harass the petitioner.

2. The learned counsel for the petitioner submitted that petitioner was arrested in connection with Crime No.475 of 2022 registered for the offence under Section 379 of IPC. Thereafter, petitioner was released on bail. After his release on bail, 3rd respondent is pressurizing him to execute bond under Section 110 of Cr.P.C.

3. In response, the learned Government Advocate (Crl. Side) submitted that petitioner is a named accused in Crime No.475 of 2022 and therefore, he was enquired with regard to this Crime Number.

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.

5. In the present case in hand, the petitioner has complained of



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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 diary/daily diary of the police station.

d) The police officer shall refrain himself or herself from harassing



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persons called upon for enquiry/investigation.

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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.

06.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The State of Tamil Nadu,
Represented by the Commissioner of Police,

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Egmore,
Chennai – 600 007.

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2. The Deputy Commissioner of Police,
Mylapore Range,
Chennai – 600 004.
3. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai – 600 018.
4. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

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