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Crl.OP.No.5017 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.5017 of 2023

1. Duraipandiyan

2. Selvarani

3. Madhan Kumar

... Petitioners

Vs.

The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent herein not to harass the petitioners in the guise of enquiry.

For Petitioners

: Mr.S.V.Karthikeyan

For Respondent

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



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ORDER

This Criminal Original Petition has been filed to direct the respondent herein not to harass the petitioners in the guise of enquiry.

2. The learned counsel for the petitioners submitted that petitioners are parents and brother of one Vinoth Kumar, who had eloped with one Saraswathi. Saraswathi's father gave a complaint against Vinoth Kumar, based on which, respondent police is unnecessarily harassing the petitioners.

3. The learned Government Advocate (Crl. Side) submitted that father of one Saraswathi gave a complaint stating that Vinoth Kumar had abetted his daughter Saraswathi. On the basis of the complaint, petitioners were called for enquiry to know the whereabouts of the Vinoth Kumar and Saraswathi and nothing beyond that.

4. It is the grievance of the petitioners 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 petitioners have 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 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.

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.

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Internet : Yes / No
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1. The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.

2. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

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