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Crl.OP.No.5075 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.5075 of 2023

D.Monishasri

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City, Coimbatore.

2. The Inspector of Police,
B-15, Rathinapuri Police Station, Coimbatore City. ... 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 : M/s.N.Premalatha

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

ORDER

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



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2. The learned counsel for the petitioner submitted that petitioner is unnecessarily harassed by the 2nd respondent for the reason that her husband has involved in NDPS case. Therefore, this petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that petitioner and her husband are named accused in Crime No.51 of 2023 registered for the offence under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act. Petitioner is the 3rd accused and her husband is the 1st accused and he is absconding. He further submitted that they are required only for the purpose of above said case. Respondent Police is not harassing the petitioner.

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 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



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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 persons called upon for enquiry/investigation.

e) The guidelines stipulated for preliminary enquiry or registration of FIR



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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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1. The Commissioner of Police,
Coimbatore City, Coimbatore.
2. The Inspector of Police,
B-15, Rathinapuri Police Station, Coimbatore City.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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