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Crl.OP.No.5094 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.5094 of 2023

S.Mohan

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Thammambatti police Station,
Gangavalli Taluk, Salem District.

3. T.Ramesh

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner based on the false
complaint of the 3rd respondent.

For Petitioner

: Mr.R.M.Makesh Kumaravel

For Respondent

: Mr.S.Santhosh (For R1 & R2)
Government Advocate(Crl.side)



Crl.OP.No.5094 of 2023

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner based on the false complaint of the 3rd respondent.

2. The learned counsel for the petitioner submitted that on the basis of the false complaint given by 3rd respondent, 2nd respondent police is unnecessarily harassing the petitioner. Therefore, present petition is filed.

3. In response, the learned Government Advocate (Crl. Side) submitted that 3rd respondent / T.Ramesh gave a complaint against the petitioner in connection with monetary transactions.

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



Crl.OP.No.5094 of 2023

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



Crl.OP.No.5094 of 2023

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

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Crl.OP.No.5094 of 2023

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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