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Crl.OP.No.6952 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6952 of 2023

Dasarathan

... Petitioner

Vs.

1. The Commissioner of police,
Salem City,
Salem.

2. The Inspector of Police,
Pallapatti Police Station,
Salem District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner except due process of law pursuant to the petitioner's representation dated 18.03.2023.

For Petitioner

: M/s. M.Subash

For Respondents

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



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ORDER

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

2. The learned counsel for the petitioner submitted that petitioner is an accused in three cases. Respondent Police is unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that petitioner is an history sheeter and there are three previous cases pending against him and only in connection with the pending cases, he is being enquired.

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 summon/notice 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.

29.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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1. The Commissioner of police,
Salem City,
Salem.
2. The Inspector of Police,
Pallapatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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