



Crl.OP.No.6141 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17.03.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.6141 of 2023**

Emmanuel Fernandez

... Petitioner

Vs.

State Represented by,  
Inspector of Police,  
G7, Chetpet Police Station,  
Crime Branch,  
Chennai - 600 031.

... Respondent

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner herein in complaint lodged by the defacto complainant dated 07.11.2022 in Crime No.Not Known of 2022.

For Petitioner

: Mr.K.Krishnan

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 police not to harass the petitioner based on the complaint lodged by the defacto complainant.

2. The learned counsel for the petitioner submitted that, based on the complaint given by one Tarmond Edmond Fernandez in a civil dispute, respondent police is unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, based on the complaint given by one Tarmond Edmond Fernandez, making allegations that petitioner received a sum of Rs.20,50,000/- in connection with business transaction, current paper enquiry is pending.

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.



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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 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.



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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 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.

**17.03.2023**

Internet : Yes / No  
Index : Yes / No  
Speaking / Non Speaking order  
Sma



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To

1. Inspector of Police,  
G7, Chetpet Police Station,  
Crime Branch,  
Chennai - 600 031.
2. The Public Prosecutor,  
High Court of Madras, Chennai.



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**G.CHANDRASEKHARAN,J.**

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