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Crl.OP.No.6297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6297 of 2023

Soundharraj

... Petitioner

Vs.

1.The Commissioner of Police,
Tambaram Commissionerate
Tambaram, Chennai.

2.The Inspector of Police,
Pallikaranai Police Station,
Chennai

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to directing the 2nd respondent Police not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.C.Ganesh Pandian
For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent



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Police not to harass the petitioner in the guise of enquiry.

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2.The learned counsel for the petitioner submitted that petitioner is unnecessarily harassed by the respondent Police on the complaint given by one Anitha.

3.In response, the learned Government Advocate (Criminal Side) submitted that Anitha gave a complaint against one Suganthi alleging that she handed over her jewelery to the Suganthi and Suganthi did not return the jewelery. Enquiry in C.S.R.No.810 of 2022 reveals that Suganthi had travelled in the auto operated by the petitioner. Petitioner was only enquired in connection with Suganthi travelled in his auto.

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 had 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 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.



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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.

20.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

- 1.The Commissioner of Police,
Tambaram Commissionerate
Tambaram, Chennai.
- 2.The Inspector of Police,
Pallikaranai Police Station,
Chennai
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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