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Crl.O.P.No.8707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8707 of 2023

Vincent Raj

...Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Kanchipuram District,
Kanchipuram – 631 501.

2.The Inspector of Police,
B – 5, Walajabad Police Station,
Walajabad,
Kanchipuram District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, directing the respondent Police not to harass the petitioner and his family members.

For Petitioner : Mr.B.Sridhar

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

ORDER

This Criminal Original Petition has been filed to direct the



Crl.O.P.No.8707 of 2023

respondent Police not to harass the petitioner and his family members.

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2.The learned counsel for the petitioner submitted that his wife AkilaPrathipa gave a false complaint against the petitioner. On that basis, second respondent is unnecessarily harassing the petitioner. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, AkilaPrathipa gave a complaint against her husband, the petitioner herein on the allegation of cruelty. On the basis of the complaint, petition enquiry is pending in C.S.R.No.224 of 2023.

4. Considered the submissions and perused the records.

5. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of



Crl.O.P.No.8707 of 2023

investigation is brought to its notice.

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6. In the present case in hand, the petitioners had 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 petitioners may not be the same to the police officer.

7. 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.



Crl.O.P.No.8707 of 2023

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 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.

8. With the above directions, this Criminal Original Petition is disposed of.

21.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



CrI.O.P.No.8707 of 2023

WEB COPY

To

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O/o.The Superintendent of Police,
Kanchipuram District,
Kanchipuram – 631 501.

2.The Inspector of Police,
B – 5, Walajabad Police Station,
Walajabad,
Kanchipuram District.

3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8707 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.8707 of 2023



WEB COPY



CrI.O.P.No.8707 of 2023

21.04.2023