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Crl.OP.No.6283 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.6283 of 2023

M.Sekaran

... Petitioner

Vs.

1. Inspector of Police,
J7, Police Station,
Velachery, Chennai – 600 042.

2. Sub-Inspector of Police,
J7, Police Station,
Velachery, Chennai – 600 042.

3. V.Kumar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., directing the 1st and 2nd respondent not to harass the petitioner in the view of the false complaint made by the defacto complainant V.Kumar dated 05.03.2023.

For Petitioner : Mr.K.Natarajan
For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 1st and 2nd respondent not to harass the petitioner in view of the false complaint made by the defacto complainant V.Kumar dated 05.03.2023.

2.The learned counsel for the petitioner submitted that petitioner and third respondent V.Kumar are partners and they invested money in connection with real estate business. On the basis of the false complaint given by third respondent, respondents 1 and 2 are harassing the petitioner. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal Side) submitted that third respondent gave a complaint against the petitioner alleging that petitioner received a sum of Rs.9.50 lakhs on the promise of buying a land in his name. Since, that was not done, he gave a complaint. On the basis of the complaint given by defacto-complainant, petition enquiry in C.S.R.No.278 of 2023 is pending.



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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 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.



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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 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. Inspector of Police,
J7, Police Station,
Velachery, Chennai – 600 042.

2. Sub-Inspector of Police,
J7, Police Station,
Velachery, Chennai – 600 042.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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