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Crl.OP.No.6547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6547 of 2023

A.Subramani

... Petitioner

Vs.

1. The Commissioner of police,
Tambaram Police Commissionerate,
Sholinganallur, Chennai - 119.

2. The Inspector of Police,
E-9, Thalambur Police Station,
Navalur, Chengalpattu District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent police not to harass the petitioner.

For Petitioner

: M/s. Dass and Viswa Associates

For Respondents

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



Crl.OP.No.6547 of 2023

WEB COPY

ORDER

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 one Rukku was abandoned by her husband and asylum was given to her and her son. She was given adjacent portion of her house. On 20.02.2023, Rukku and her son attacked the petitioner. Therefore, petitioner gave a complaint against Rukku and her son on 20.02.2023. Petitioner also filed suit in O.S.42 of 2023 against Rukku and her son seeking Permanent Injunction. When that be the case, 2nd respondent is unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that petitioner had given a complaint against Rukku and her son, in connection with partition of property. Rukku and her son did not give a complaint against the petitioner. There is no FIR pending against the petitioner. On the complaint given by the petitioner, CSR enquiry in C.S.R.No.94 of 2023 is pending.



Crl.OP.No.6547 of 2023

WEB COPY

4. In the light of the submission made by the counsel appearing for the parties, this Court directs the petitioner to co-operate with the enquiry on the basis of his complainant.

5. 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.

6. 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.

7. In order to meet such situations, the following guidelines are issued:



Crl.OP.No.6547 of 2023

WEB COPY

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 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.



Crl.OP.No.6547 of 2023

WEB COPY8.

With the above observations and direction, the Criminal Original

Petition stands disposed of.

23.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Commissioner of police,
Tambaram Police Commissionerate,
Sholinganallur, Chennai - 119.
2. The Inspector of Police,
E-9, Thalambur Police Station,
Navalur, Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.6547 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.6547 of 2023

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