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Crl.O.P.No.8017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.8017 of 2023

1.Selvam Kumar
2.K.Sethu Raman
3.Prabakaran
4.Sasikumar
5.Kamalakannan Vinayagam
6.Settu
7.Mayakannan
8.Sundharesan Govindhasamy

... Petitioners

Vs.

The Inspector of Police,
Ariyoor Police Station,
Vellore.
(Crime No.117 of 2022)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the respondent not to harass the petitioners and their family members in connection with the Crime No.117 of 2022 on the file of the respondent police.

For Petitioners : Mr.Ayyachamy P

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the respondent not to harass the petitioners and their family members in connection with the Crime No.117 of 2022 on the file of the respondent police.

2. The learned counsel for the petitioners submitted that based on the false complaint against the petitioners, the respondent police frequently summoned the petitioners to the police station and threatened that the petitioners will be booked in different cases and lodged behind the bar. Though the petitioners narrated the actual facts to the respondent police, the respondent police did not take into consideration the words of the petitioners because of the high political influence given by the defacto complainant.

3. The learned Government Advocate (Crl.Side) submitted that the petitioners were called for enquiry during the investigation of the said Crime number. However, they have followed the guidelines issued by this Court. Hence, there shall be a direction to the respondent to act in



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accordance with law and shall not harass the petitioners and their family.

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4. In view of the same, the respondent shall act in accordance with law and shall not harass the petitioners. If the respondent Police intends to conduct an enquiry, they shall follow the following guidelines:

“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.



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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

5. With the above observations, the Criminal Original Petition is allowed.

12.04.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
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To
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1.The Inspector of Police,
Ariyoor Police Station,
Vellore.

2.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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