



Crl.O.P.No.7395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7395 of 2023

Jina Selvam

...

Petitioner

VS

1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram.

2.The Inspector of Police,
District Crime Branch,
Villupuram District,
Villupuram.

3.Kumar

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent police not to harass the petitioner in the guise of roaring enquiry and to pass such further orders as this court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner

...

Mr.C.Iyyapparaj

For R1 & 2

...

Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

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2. Learned counsel for the petitioner submitted that, petitioner is unnecessarily harassed by 2nd respondent, on the basis of the complaint given by one Kumar.

3. In response, learned Government Advocate (Criminal side) submitted that, Kumar gave a complaint against the petitioner, alleging commission of fraud, in connection with supply of paddy. On the basis of the said complaint, enquiry is pending in this case.

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



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turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

6. In the present case in hand, the petitioners have 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.



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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.

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Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram.
- 2.The Inspector of Police,
District Crime Branch,
Villupuram District,
Villupuram.
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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