



Crl.O.P.No.7771 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7771 of 2023

1. Senthil Kumar
2. V.Chandra Hasan

... Petitioners

Vs.

1. The State by Inspector of Police
Anti Land Grabbing Cell,
Office of Superintendent of Police,
Myladudurai District, Myladudurai.
2. The Superintendent of Police,
Office of Superintendent of Police,
Myladudurai District, Myladudurai.
3. The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
Office of Superintendent of Police,
Myladudurai District, Myladudurai.

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to direct the respondent not to harass the petitioners here in by appreciating the above stated facts and circumstances of the case and pass such further or other orders.

For Petitioner : M/s.M.Udhayakumar

For Respondents : Mr.S.Santosh, Govt. Advocate (Crl.Side)

ORDER

The petition is filed to direct the respondents not to harass the petitioners under the guise of enquiry.

2. It is the grievance of the petitioners that the respondent police has been harassing them on the basis of the complaint lodged by one K.Dhamodaran in a civil dispute and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

3. The learned Government Advocate (Crl.Side) submitted that an enquiry is being conducted on the basis of the alleged complaint given by one K.Dhamodaran. However, the respondent would not harass the petitioners and they would follow the procedures prescribed under law.



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4. This Court is of the view that the petitioner shall not be harassed in the guise of an enquiry. If the respondents intend 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 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***



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Kumari Vs. Government of Uttar Pradesh and others [2014

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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 observation, the Criminal Original Petition is allowed.

11.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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SUNDER MOHAN. J,

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