



Crl.OP.No.8222 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8222 of 2023

Sishanth Kumar

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Sholinghur Police Station,
Ranipet District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the Respondent Police herein not to harass the petitioner herein under
the guise of enquiry.

For Petitioner

: M/s. M.Premkumar

For Respondents

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd
respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that petitioner is



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unnecessarily harassed by the respondent police in connection with FIR in Crime No.295 of 2022. He further submitted that, petitioner is not at all involved in connection with the offence alleged in the FIR. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on the basis of the complaint given by one Surya, FIR in Crime No.295 of 2022 was registered for the offence under Section “Boy Missing”. Therefore, petitioner is called for enquiry in connection with the investigation in this case, other than that, there is no harassment.

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 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



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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 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.



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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.

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

1. The Inspector of Police,

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Sholinghur Police Station,
Ranipet District.

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

G.CHANDRASEKHARAN,J.

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