



WEB COPY



Crl OP No.8049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8049 of 2023

Periyasamy

... Petitioner

Versus

1.State rep. By
Superintendent of Police,
Vellore, Vellore District,
Chennai.

2.The Inspector of Police,
Veppankuppam Police Station,
Vellore District.

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the respondent not to harass the petitioner in any manner except by due process of law pursuant to representation dated 30.03.2023.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

It is alleged by the petitioner that he has been harassed by the second respondent stating that the petitioner and his adjacent land owners are cultivating Ganja Plant. He has also sent a representation dated 30.03.2023 to the 1st respondent for a direction to the 2nd respondent not to harass him under the guise of enquiry.

2. The learned Government Advocate (Crl. Side) submits that that the respondents would not harass the petitioner.

3. This Court is of the view that the petitioner shall not be harassed in the guise of an enquiry. If the respondent 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.



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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.



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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.*

4. With the above observation, the petition is allowed,
directing the respondents not to harass the petitioner under the guide
of enquiry. No costs.

13.04.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

WEB COPY

- 1.The Superintendent of Police,
Vellore, Vellore District,
Chennai.
- 2.The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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SUNDER MOHAN, J

KKN

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