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CrI.O.P.No.7867 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.7867 of 2023

Satheesh

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City,
Salem.

2.The Assistant Commissioner of Police,
Hasthampatti Range,
Salem.

3.The Inspector of Police,
B-8, Kannankurichi Police Station,
Salem.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the third respondent herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 28.03.2023.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.S.Santhosh
Government Advocate (CrI.Side)



Crl.O.P.No.7867 of 2023

ORDER

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This Criminal Original Petition has been filed to direct the third respondent herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 28.03.2023.

2. It is the case of the petitioner that one Naveen kumar prasanth lodged a complaint before the Kichipalayam Police Station, Salem District. The petitioner appeared for enquiry in the said complaint. In that enquiry, the Kichipalayam Police came to know that the transaction between them is only a business transaction and no transaction has been made within the jurisdiction of Salem District. Hence, the complaint was closed in the Kichipalayam Police Station.

3. The learned counsel for the petitioner would further submit that for the very same set of facts, Naveen Kumar Prasanth has lodged another complaint against the petitioner on 13.03.2023 before the third respondent herein. The third respondent in collusion with the said Naveen Kumar Prasanth had threatened the petitioner to pay a sum of Rs.14,00,000/- along with the interest within a period of two weeks, failing which he will foist a



Crl.O.P.No.7867 of 2023

false case as against the petitioner. Hence, this petition came to be filed.

WEB COPY

3. The learned Government Advocate (Crl.Side) on instructions submitted that enquiry is pending in C.No.101/C3PS/SLMC/2023 dated 29.03.2023 on the file of the respondent Police. However, the respondents would not harass the petitioner and they would follow the procedures prescribed under law.

4. In view of the same, the respondents shall act in accordance with law and shall not harass the petitioner. 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



WEB COPY



Crl.O.P.No.7867 of 2023

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.

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.



Crl.O.P.No.7867 of 2023

WEB COPY

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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Salem City,
Salem.

2.The Assistant Commissioner of Police,
Hasthampatti Range,
Salem.

3.The Inspector of Police,
B-8, Kannankurichi Police Station,
Salem.

4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7867 of 2023

SUNDER MOHAN, J.

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Crl.O.P.No.7867 of 2023

12.04.2023