



WEB COPY



CrI OP No.8166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No. 8166 of 2023

Umesh Kumar

... Petitioner

Versus

1. The Inspector of Police,
Crime Branch,
S-9 Palavanthangal Police Station,
Palavanthangal, Chennai 114.

2. Sakthivelan

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the first respondent not harass the petitioner under the guise of inquiry and since civil dispute exist between petitioner with second respondent.

For Petitioner : Mr. I.Arockia Selvaraj

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



Crl OP No.8166 of 2023

ORDER

It is alleged by the petitioner that he has been harassed by the respondent based on the alleged complaint given by one S.Sakthivelan.

2. The learned Government Advocate (Crl. Side) submits that an enquiry is pending on the basis of the complaint given by one S.Sakthivelan and that the respondent 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.



Crl OP No.8166 of 2023

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.



WEB COPY



Crl OP No.8166 of 2023

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 1st respondent not to harass the petitioner. No costs.

13.04.2023

kkn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



Crl OP No.8166 of 2023

To

WEB COPY

- 1.The Inspector of Police,
Crime Branch,
S-9 Palavanthangal Police Station,
Palavanthangal, Chennai 114.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl OP No.8166 of 2023

SUNDER MOHAN, J

kkn

Crl.O.P.No. 8166 of 2023

13.04.2023