



Crl OP No.8262 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.8262 of 2023

Joseph Varghese Kuttickat

... Petitioner

Versus

1.State rep. By

The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai – 600 026.

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the respondent Police not to harass the petitioner.

For Petitioner : Mr.M.Sreedhar

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



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ORDER

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

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



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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. 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

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- 1.The Inspector of Police,
W-27, All Women Police Station,
Vadapalani, Chennai – 600 026.

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



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SUNDER MOHAN, J

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