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Crl.O.P.No.8969 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8969 of 2023

G.Srinivasan

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kadpadi, Vellore District.

2.The Sub-Inspector of Police,
Thiruvalem Police Station,
Thiruvalem, Vellore District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent, not to harass the petitioner under the guise of investigation in pursuant to the petitioner representation dated 11.03.2023.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent, not to harass the petitioner under the guise of investigation in pursuant to the petitioner representation dated 11.03.2023

2.The learned counsel for the petitioner submitted that one Nandhakumar gave a false complaint against the petitioner and on that basis second respondent is unnecessarily harassing the petitioner. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that Nandhakumar gave a complaint against the petitioner in connection with rearing of cow. On the basis of complaint given by Nandhakumar , petition enquiry in C.S.R.No.162 of 2023 is pending.

4.Considered the submissions and perused the records.

5. This Court, exercising its power under Section 482 of the



Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

6. 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 wide meaning and hence, what could be harassment to the petitioners may not be the same to the police officer.

7. 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



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the CSR number, date of complaint and the name of the complainant.

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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.

8. With the above directions, this Criminal Original Petition is disposed of.

25.04.2023

Index: Yes/No

Speaking/Non speaking order

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To

- 1.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kadpadi, Vellore District.
- 2.The Sub-Inspector of Police,
Thiruvalam Police Station,
Thiruvalam, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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