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Crl.O.P.No.13374 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13374 of 2023

Mithun Viswam

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
J8, Neelangarai Police Station,
Neelangarai, Chennai – 600 115.

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of
Cr.P.C, to direct the respondent Police not to harass the petitioner.

For Petitioner : Mr.Rahul Jagannathan
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the
respondent Police not to harass the petitioner.

2.The learned counsel for the petitioner submitted that on the basis



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of false complaint given by petitioner's wife Kiran Rahima, respondent is unnecessarily harassing the petitioner. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, there was some marital discord between the petitioner and his wife and they are living separately. Petitioner's wife/defacto-complainant visited petitioner's house for taking her jewellery back. At that time, it is alleged that she was abused and physically bad handled. On the basis of the complaint, petition enquiry in C.No.572/DCA/CAMP/2023 dated 09.02.2023 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.



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6. In the present case in hand, the petitioner had 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 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.



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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.

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Index: Yes/No
Speaking/Non speaking order
ep



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To

1.The Inspector of Police,
J8, Neelangarai Police Station,
Neelangarai, Chennai – 600 115

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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