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Crl.OP.Nos.9372 & 9630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.9372 & 9630 of 2023

In Crl.O.P.No.9372 of 2023

V.E.S.Raja

.....Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram, Chennai – 600 119.
2. The Inspector of Police,
Entrustment Document Fraud,
II- Wing, 3rd Floor,
Central Crime Branch, Sholinganallur,
Tambaram City Police, Chennai – 600 119.

... Respondents

In Crl.O.P.No.9630 of 2023

K.Madhu Srinivas

.... Petitioner's

Vs.



Crl.OP.Nos.9372 & 9630 of 2023

The State of Tamil Nadu,
Represented by The Inspector of Police,
Entrustment Document Fraud-2 Wing,
Central Crime Branch,
Tambaram City Police,
Chennai – 600 119.

.... Respondent.

PRAYER in Crl.O.P.No.9372 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner in the absence of any complaint.

For Petitioner	: Mr.S.Kingston Jerold
For Respondents	: Mr.Leonard Arul Joseph Selvam Government Advocate(Crl.side)

PRAYER in Crl.O.P.No.9360 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner under the name of enquiry.

For Petitioner	: Mr.G.Anantharangan
For Respondent	: Mr.Leonard Arul Joseph Selvam Government Advocate(Crl.side)



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Crl.OP.Nos.9372 & 9630 of 2023

ORDER

These Criminal Original Petitions have been filed to direct the respondent not to harass the petitioners on the guise of enquiry.

2. The learned counsel for the petitioners submitted that, on the basis of the complaint given by one Vijay Christopher, respondent police is unnecessarily harassing the petitioners. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Vijay Christopher gave a complaint against the petitioners alleging that, he is doing real estate business. Petitioners approached him through mediators and shown false and fabricated documents for trusting them for the purchase of 20 acres of land comprised in Patta Numbers 7, 30, 66, 187 & 568 and in survey numbers 3,4,6,28,29,30,31,33 & 35. Believing their representation, defaco complainant paid a sum of Rs.2 Crores to the petitioners. However, petitioners did not arrange for sale or to repay the amount. On the basis of this



Crl.OP.Nos.9372 & 9630 of 2023

complaint, enquiry is pending.

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4. It is the grievance of the petitioners that the respondent police has been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

5. In the present case in hand, the petitioners have 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.

6. 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



Crl.OP.Nos.9372 & 9630 of 2023

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.

f) the respondent police is directed to complete the enquiry within a period of four weeks from the date of receipt of copy of the order.

6. With the above observations and direction, these Criminal Original Petitions are disposed of.

28.06.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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Crl.OP.Nos.9372 & 9630 of 2023

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- To
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 2. The Inspector of Police,
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Central Crime Branch, Sholinganallur,
Tambaram City Police, Chennai – 600 119.
 3. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.Nos.9372 & 9630 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.Nos.9372 & 9630 of 2023

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