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CrI.O.P.No.9728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.9728 of 2023

R.Suresh

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore.
2. The Assistant Commissioner of Police,
Town Crime Branch,
Coimbatore.
3. The Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.
4. The Sub Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents “Not to Harass” the petitioner based on the summon dated 15.04.2023, issued in pursuant to the complaint lodged by Mr.R.Sri Nagesh on behalf of his sister Krishnapriya.



Crl.O.P.No.9728 of 2023

For Petitioner : Mr.B.Manimaran
For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)

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ORDER

This Criminal Original Petition has been filed directing the respondents “Not to Harass” the petitioner based on the summon dated 15.04.2023, issued in pursuant to the complaint lodged by Mr.R.Sri Nagesh on behalf of his sister Krishnapriya.

2. The learned counsel for the petitioner submitted that the petitioner is unnecessarily harassed by the fourth respondent, on the basis of the complaint given by one Nagesh, who is the brother of the petitioner. Therefore, this petition.

3. When the matter is taken up, the learned Government Advocate (Crl.side) submitted that one Nagesh gave a complaint against the petitioner in connection with a property dispute. On the basis of the complaint, the enquiry is pending in C.No.192/2023.

4. Considered the submissions and perused the records.



CrI.O.P.No.9728 of 2023

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



CrI.O.P.No.9728 of 2023

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) 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.

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

28.04.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
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Coimbatore.
3. The Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.
4. The Sub Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore.
5. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.

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CrI.O.P.No.9728 of 2023

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