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Crl.OP.No.12708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12708 of 2023

Ezhumalai

... Petitioner

Vs.

1. The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai – 600 069

2. Munusamy

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass the petitioner on the frivolous petitions of the 2nd respondent claiming money from the petitioner, in view of the enquiries already conducted and concluded in favour of the petitioner in C.S.R.No.236 of 2018 and C.S.R.No.1016 of 2022 on the file of the 1st respondent.

For Petitioner

: Mr.S.Anil Sandeep

For R1

: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)



Crl.OP.No.12708 of 2023

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that, petitioner is unnecessarily harassed by the 1st respondent on the basis of the false complaint given by 2nd respondent. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioner is a owner of 77 cents of agricultural land and it was leased to the 2nd respondent. Petitioner wanted the 2nd respondent to vacate the land for selling the property and also promised to pay compensation to the 2nd respondent. Subsequently, after selling the property, petitioner failed to pay the amount promised to the 2nd respondent. Therefore, 2nd respondent gave a complaint before the respondent police. On the basis of the complaint given by the 2nd respondent, CSR enquiry is pending in C.S.R.No.453 of 2023.

4. It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has



CrI.OP.No.12708 of 2023

invoked the inherent powers of this Court under Section 482 of Cr.P.C.

WEB COPY

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



Crl.OP.No.12708 of 2023

WEB COPY

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.

7. With the above observations and direction, the Criminal Original Petition stands disposed of.

08.06.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur, Chennai – 600 069



CrI.OP.No.12708 of 2023

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

WEB COPY

G.CHANDRASEKHARAN,J.

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WEB COPY



Crl.OP.No.12708 of 2023

Crl.O.P.No.12708 of 2023

08.06.2023