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Crl OP No.10755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM :

THE HONOURABLE Mr.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10755 of 2023

1. Mubarak Basha
2. Nushrath

... Petitioners

Versus

1. Inspector of Police
Town Police Station,
Tirupattur.
2. The Deputy Superintendent of Police,
Office of Superintendent of Police,
Tirupattur.
3. The Superintendent of Police,
Office of Superintendent of Police,
Tirupattur.

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the respondents not to harass the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper.



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For Petitioner : Mr.I.Kowser Nissar
For Respondents : Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

It is alleged by the petitioners that they have been harassed by the respondents based on the alleged complaint given by one Badusha.

2. The learned Government Advocate (Crl. Side) submits that an enquiry is pending on the basis of the complaint given by one Badusha and that the respondents would not harass the petitioners.

3. This Court is of the view that the petitioners shall not be harassed in the guise of an enquiry. If the respondents intend to conduct an enquiry, they shall follow the following guidelines:

“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 written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The respondent/Police is directed to serve summons



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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.

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.

4. With the above directions, the Criminal Original Petition is closed. No costs.

10.05.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

SUNDER MOHAN, J



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kmi

To

1. Inspector of Police
Town Police Station,
Tirupattur.
2. The Deputy Superintendent of Police,
Office of Superintendent of Police,
Tirupattur.
3. The Superintendent of Police,
Office of Superintendent of Police,
Tirupattur.
4. The Public Prosecutor,
High Court of Madras,
Chennai-104.

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