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Crl OP No.10905 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.10905 of 2023

1. S.Rajasekaran
2. T.Thanakodi

... Petitioners

Versus

1. The Deputy Superintendent of Police,
Sankari, Sankari Taluk,
Sankari District.
- 2.The Sub Inspector of Police,
Poolampatty Police Station,
Edappadi Taluk,
Salem District.

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the respondents not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.Balaji
Government Advocate (Crl. Side)



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ORDER

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

2. The learned Government Advocate (Crl. Side) submits that an enquiry is pending on the basis of the complaint given by one Dhakshinamoorthy 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 mentioning the 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) 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



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SUNDER MOHAN, J

kmi

To

1. The Deputy Superintendent of Police,
Sankari, Sankari Taluk,
Sankari District.
2. The Sub Inspector of Police,
Poolampatty Police Station,
Edappadi Taluk,
Salem District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.

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