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Crl.OP.No.14212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14212 of 2023

1.S.Jameel Ahamed

2. S.Shakila

... Petitioners

Vs.

1. The Assistant Commissioner of Police,
Pallavaram Range,
Chennai.

2. The Inspector of Police,
Shankar Nagar Police Station,
Tambaram.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 1st and 2nd respondent not to harass the petitioners except due
process of law.

For Petitioners : Mr.K.Thenrajan

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

ORDER

1/5



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This Criminal Original Petition has been filed to direct the 1st and 2nd respondent not to harass the petitioners except due process of law.

2. When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that, FIR in Crime No.305 of 2023 was registered for the offence under Section 174(3) of Cr.P.C on the death of one Pasilath Kathoon. Petitioners are suspected accused in this case.

3. 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.

4. 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.

5. In order to meet such situations, the following guidelines are issued:



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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

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.

6. With the above observations and direction, the Criminal Original



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Petition stands disposed of.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Assistant Commissioner of Police,
Pallavaram Range,
Chennai.
2. The Inspector of Police,
Shankar Nagar Police Station,
Tambaram.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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