



W.P.No.18772 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.18772 of 2023

J.Rajendira Prasad

... Petitioner

Vs.

1. The Commissioner of Police,
Salem.

2. The Inspector of Police,
Kannakurichi Police Station,
Salem.

3. Chowdry Prakash

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd respondent and their police personnel “Not to harass” the petitioner or his college staffs on the pretext of enquiry based on his complaint dated 11.06.2023.

For Petitioner

: Mr.B.Manimaran

For R1 & R2

: Mr.LeonardArul Joseph selvam
Government Advocate(Crl.side)



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ORDER

This Writ Petition has been filed to direct the 2nd respondent and their police personnel “Not to harass” the petitioner or his college staffs on the pretext of enquiry based on his complaint dated 11.06.2023.

2. The learned counsel for the petitioner submitted that, 3rd respondent is a student of Jairam Arts & Science College, Chinnathirupathi, Salem. He studied 3 years B.Sc course and he is liable to pay a sum of Rs.52,000/- as fee. When he approached along with his father and his friends, for getting transfer certificate he was asked to pay the balance fee. Instead of paying the fee, he gave a complaint against the petitioner. It appears that, he was threatened to give complaint against the petitioner under SC/ST Act. Therefore, present petition is filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on the basis of the complaint given by the 3rd respondent, enquiry is pending in C.No.91/COP/PGP/2023.



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4.. 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.

5. 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

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



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persons called upon for enquiry/investigation.

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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, this Writ Petition stands disposed of.

26.06.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Commissioner of Police,
Salem.

2. The Inspector of Police,
Kannakurichi Police Station,
Salem.

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

G.CHANDRASEKHARAN,J.

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