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Crl.OP.No.14715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14715 of 2023

1. Bharath Kumar

2. Soundiran

... Petitioners

Vs.

The Inspector of Police,
District Crime Branch (DCB)
Dharmapuri,
Dharmapuri District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent not to harass the petitioners on the guise of enquiry.

For Petitioners

: Mr.M.R.Thangavel

For Respondent

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



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ORDER

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2. The learned counsel for the petitioners submitted that, on the basis of the complaint given by one Munusamy, respondent police is unnecessarily harassing the petitioners. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, it is a case of job racketing. Munusamy gave a complaint alleging that, he paid a sum of Rs.23 lakhs to the petitioners for getting a job in Revenue Department. Since, petitioners have neither secured the job, nor they returned the money. Hence, he gave a complaint. On the basis of the complaint, enquiry is pending.

4. 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.



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5. 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.

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

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, the Criminal Original Petition stands disposed of.

30.06.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1. The Inspector of Police,
District Crime Branch (DCB)

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Dharmapuri,
Dharmapuri District.

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

G.CHANDRASEKHARAN,J.

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