



WEB COPY



Crl OP No.24923 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED:26.10.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R. KALAIMATHI**

Crl.O.P.No. 24923 of 2023

Periyathambi

... Petitioner

Versus

1. The Commissioner Of Police,  
Salem City, Salem.

2. The Inspector Of Police,  
Sevapettai Police Station, Salem.

... Respondents

**PRAYER :** Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner except due process of law pursuant to the petitioner's representation dated 22/10/2022.

For Petitioner : Mr.M.Subash

For Respondents : Mr. L.Baskaran  
Government Advocate (Crl. Side)



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## ORDER

This Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent not to harass the petitioner in the above issue.

2. The learned Government Advocate (Crl. Side) submits that an enquiry is pending on the basis of the complaint given by one Mani and that the 2<sup>nd</sup> respondent would not harass the petitioner.

3. This Court is of the view that the petitioner shall not be harassed in the guise of an enquiry. If the respondent intends 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 observation, the petition is **allowed**.

26.10.2023

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

*sha*



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**R. KALAIMATHI, J**

*sha*

To

1. The Commissioner Of Police,  
Salem City, Salem.
2. The Inspector Of Police,  
Sevapettai Police Station, Salem.

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