



Crl.OP.No.32366 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32366 of 2022

Sunder

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvarur District.

2.The State rep. by
The Sub Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
(Crime No.164 of 2018)

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents particularly the second respondent not to harass the petitioner in guise of enquiry in Crime No.164 of 2018, on the file of Sub Inspector of Police, Thiruvarur Town Police Station, Thiruvarur District.

For Petitioner

: Mr.K.V.Muthu Visakan

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



Crl.OP.No.32366 of 2022

ORDER

WEB COPY This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is not a named accused in the case in Crime No.164 of 2018 for the offence under Section 454 and 392 of IPC. The petitioner is only a car driver and he has been harassed by the second respondent under the pretext of enquiry. Hence, this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that the petitioner is the sixth accused in this case. Investigation has almost completed and during the course of investigation, 9 sovereign of gold jewels had also been recovered. Further, he request that the petitioner may be directed to cooperate for enquiry.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondents police.



Crl.OP.No.32366 of 2022

5. It is the grievance of the petitioner that the second respondent 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.

6. 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.

7. In order to circumvent 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 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 second respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.



Crl.OP.No.32366 of 2022

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.

8. With the above direction, the Criminal Original Petition stands disposed of.

03.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk



Crl.OP.No.32366 of 2022

To

WEB COPY

- 1.The Superintendent of Police,
Thiruvarur District.
- 2.The Sub Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.32366 of 2022

G.CHANDRASEKHARAN,J.

shk

Crl.O.P.No.32366 of 2022

03.01.2023