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Crl.OP.No.32195 of 2022

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

**DATED: 02.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.32195 of 2022**

M.Ramesh

... Petitioner

Vs.

1. The Superintendent of Police,  
Thiruvallur District.  
Thiruvallur.

2. The Inspector of Police,  
Gummidipoondi Police Station,  
Gummidipoondi, Thiruvallur District.

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner under the guise of inquiry/preventive actions, except in the manner known to law.

For Petitioner

: Mr.V.Vijayakumar

For Respondents

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



Crl.OP.No.32195 of 2022

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## **ORDER**

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

2. The learned counsel for the petitioner submitted that the petitioner is an history sheeter and his son was murdered. The accused/Madhavan in his son's murder case was murdered by the someone else and the FIR was registered against the petitioner. The petitioner is frequently harassed by the respondent police. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that the petitioner is an history sheeter. However, there is no case is pending in this regard on the file of the 2nd respondent. Since, the petitioner is an history sheeter, the respondent police is enquiring about his whereabouts and not beyond that.

4. It is seen that no FIR is registered against the petitioner. However,



CrI.OP.No.32195 of 2022

this Court directs the petitioner to co-operate with the investigation.

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5. It is the grievance of the petitioner that the respondent police has been harassing him 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 respondent police is directed to serve summons mentioning the



Crl.OP.No.32195 of 2022

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.

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

**02.01.2023**

Internet : Yes / No  
Index : Yes / No  
Speaking / Non Speaking order  
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Crl.OP.No.32195 of 2022

- 1.The Superintendent of Police,  
Thiruvallur District.  
Thiruvallur.
2. The Inspector of Police,  
Gummidipoondi Police Station,  
Gummidipoondi, Thiruvallur District.
- 3.The Public Prosecutor,  
High Court of Madras, Chennai.

**G.CHANDRASEKHARAN,J.**

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Crl.OP.No.32195 of 2022

**Crl.O.P.No.32195 of 2022**

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