



Crl.OP.No.32272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32272 of 2022

1. Aruljothi
2.S.Kannan

... Petitioners

Vs.

1.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Madhuravayal, Chennai - 95.

2. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.

... Respondents

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

For Petitioner

: Mr.S.Madhysudanan

For Respondents

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

ORDER



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

2. The learned counsel for the petitioners submitted that the petitioners had given complaint against the Sunitha and Pramod before the respondent police for the reason that they had cheated the petitioner to the tune of Rs. 97 Lakhs. Aggrieved by the same, the said Sunitha and Pramod lodged a false complaint against the petitioner. Based on which, the respondent police is unnecessarily harassing the petitioner. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by the said Sunitha and Pramod, enquiry is pending in C.No.286/DC/KBD/Cemp/2022.

4. 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.



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5. 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.

6. 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 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.

7. 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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To

1.The Assistant Commissioner of Police,

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O/o. The Assistant Commissioner of Police,
Madhuravayal, Chennai - 95.

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2. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.

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

G.CHANDRASEKHARAN,J.

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