



Crl.O.P.(MD)No.1134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1134 of 2023

Lakshmanan

... Petitioner

Vs.

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

2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.

3.Ravichandran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to instruct the second respondent herein not to harass the petitioner on the guise of the enquiry in pursuance to the complaint lodged by the third respondent.

For Petitioner : Mr.A.Muralikumar

For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of the enquiry in pursuance to the complaint lodged by the third respondent.

2. The learned counsel appearing for the petitioner would submit that the second respondent police harassed the petitioner under the guise of enquiry.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the mother of the third respondent has given a complaint to the second respondent and on that basis, the second respondent, after registering CSR.No.4 of 2023, has issued summons to the petitioner, but he has not turned up and that petition enquiry is pending.

4. This Court, while exercising its power under Section 482 of Code of Criminal Procedure, is not expected to interfere with the



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investigation conducted by a police officer normally, but at the same time, if there is any harassment by the police under the guise of investigation, then certainly, this Court is entitled to interfere and protect the person concerned from the harassment.

5. In the case on hand, the petitioner has complained of harassment by the police based on a complaint. The Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh and others*** reported in **2014 (2) SCC (1)** has issued guidelines for the Investigating Officer as to how and what cases preliminary enquiry is to be conducted and FIR is to be registered and the guidelines are extracted hereunder:-

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.

dThe 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.*

6. Needless to say that the Investigating Officer is duty bound to follow the above guidelines, while conducting enquiry. Accordingly, the second respondent police is directed to follow the same.

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

23.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To

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- 1.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.1134 of 2023

Dated: 23.01.2023