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Crl.O.P.No.30496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.12.2024**

CORAM :

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30496 of 2024

E.Elaiyathamilan

... Petitioner

Vs.

1. The Superintended of Police
Office of the Superintended of Police
Cuddalore District

2. The Inspector of Police
All Women Police Station
Tittagudi
Cuddalore District

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the respondents not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.K.Gowthaman

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner and his family members under the guise of enquiry.



CrI.O.P.No.30496 of 2024

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the 2nd respondent police harassed the petitioner and his mother under the guise of enquiry on the basis of the complaint given by one Sathya who is his neighbour, without issuing any summons and without following the legal procedures and thereby, the present petition is filed seeking direction to the respondents police not to harass the petitioner under the guise of enquiry.

3. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the respondent police is not harassing the petitioner under the guise of enquiry.

4. Heard both sides and perused the materials available on record.

5. The learned Additional Public Prosecutor on instructions would submit that an enquiry is pending on the complaint of said Sathya.

6. This Court in similar cases had issued the following directions:-



WEB COPY



CrI.O.P.No.30496 of 2024

a) While summoning any person for enquiry the guidelines stipulated for preliminary enquiry 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.

b) 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 mentioning the CSR number, date of complaint and the name of the complainant and he shall also specify the date and time for appearing before them for such enquiry/investigation.

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.



Crl.O.P.No.30496 of 2024

7. Accordingly, direction is issued to the respondents to comply with the above directions.

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

05.12.2024

Index :Yes/No
Internet:Yes/No
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CrI.O.P.No.30496 of 2024

To

WEB COPY

1. The Superintended of Police
Office of the Superintended of Police
Cuddalore District
2. The Inspector of Police
All Women Police Station
Tittagudi
Cuddalore District
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.30496 of 2024

SUNDER MOHAN,J.

ksa-2

Crl.O.P.No.30496 of 2024

05.12.2024