



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.130 of 2021

S.Elangovan

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirappalli City.

2. The Inspector of Police,
Thillai Nagar Police Station (law and order),
Thiruchirappalli City,
Thiruchirappalli.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere with the peaceful conduct of the petitioner's business offering health therapies under the name and style of Golden Dream(Ayurvedic Care & Spa) at Door No.108, Ramarayar Agraharam, Tennur, Trichy-620 017 based on the representation dated 29.12.2020.

For Petitioner

: Mr.Ezhilarasu

For R1 & R2

: Mr.R.Eottusamy

Government Advocate (Crl. Side)

ORDER

The petitioner has filed the present petition under Section 482 Cr.P.C seeking for a direction to the second respondent not to harass the petitioner and not to interfere with the peaceful conduct of the petitioner's business.

2.The learned counsel for the petitioner contended that the petitioner is running an Ayurvedic Massage Center in the name and style of 'Golden Dream (Ayurvedic Care & Spa)' at Door No.108, Ramarayar Agraharam Tennur, Trichy-17 and that the respondent police is frequently visiting the petitioner's Spa and interfering with his business. He also drew the attention of this Court to the orders of this Court passed in Crl.O.P(MD).No.13739 of 2019, dated 27.09.2019, wherein, the following guidelines are issued:-



"9. 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 minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

d) 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."

His specific contention is that the respondent police without following the aforesaid guidelines, is harassing the petitioner and interfering with his business.

3. Mr. R. Eroottusamy, learned Government Advocate (Crl.side), who accepts notice on behalf of the respondents, on instructions, would contend that no complaint has been given by any person against the present petitioner.

4. In such circumstances, the respondent police is directed to follow the guidelines issued by this Court in Crl.O.P(MD).No.13739 of 2019, dated 27.09.2019.

5. With the aforesaid direction, the Criminal Original Petition is disposed of.

Sd/-

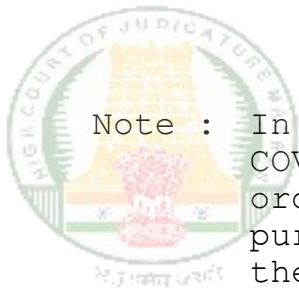
Assistant Registrar (AD-I)

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Sub Assistant Registrar(CS)

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WEB COPY

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirappalli City.
2. The Inspector of Police,
Thillai Nagar Police Station (law and order),
Thiruchirappalli City,
Thiruchirappalli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.EZHILARASU, Advocate (SR-393[F] dated 07/01/2021)

Crl.O.P. (MD)No.130 of 2021
07.01.2021

KG(CO)
CS(25.01.2021) 3P 5C