



Crl.O.P.No.26634 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26634 of 2022

Mohanathan

...

Petitioner

Vs.

The State Rep. by,

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Erode District,

2.The Inspector of Police,
Sathiyamangalam Police Station,
Erode District.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondents not to harass pursuant to the petitioner's representation dated 03.10.2022.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner by appreciating the facts and circumstances of the case.



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2. Heard the learned counsel for the petitioner and the learned

Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submits that the respondent police are harassing him to make his personal appearance, though he had given written explanation for the complaint given by one Balasubramanian.

4. The learned Government Advocate (Crl. Side) appearing for the respondents has submitted that on the complaint given by the said Balasubramanian against the petitioner, a petition enquiry is being conducted and for which, the petitioner was requested to make his personal appearance. In that event, if the petitioner's written submission is sent, the respondent can very well consider the same.

5. Since the investigation of a criminal case is the prerogative of the police, normally no interference will be made by the Courts. However, if it is brought to the knowledge of the Court that harassment is being done to any one in the name of investigation, the aggrieved should not be left without



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any remedy. In the case in hand, the petitioner has alleged that he is being harassed by the police on the complaint given by the defacto complainant.

The grievance of the petitioner is that a civil dispute is given with criminal colour. If the preliminary enquiry of the police itself reveals that it is civil in nature, the 2nd respondent ought to have relegated the parties to the appropriate forum by dropping further action on the complaint. Since the civil case is being given with a criminal colour, a direction should be given to the respondent police not to harass the petitioner in the name of enquiry.

6. In the result, this Criminal Original Petition is disposed. The following directions have been given to the respondents while conducting enquiry in the complaint:

(i) The police officer shall send the written summon for enquiry under Section 160 of Cr.P.C by mentioning the time and date for appearance for enquiry and also about the name of the person whose complaint is taken for enquiry.

(ii) The minutes of the enquiry shall be recorded in the general



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diary/station diary/daily diary of the concerned police station.

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(iii) The respondents should ensure that no harassment is caused to the petitioner either physically or mentally by the police officer or any other officer of the department while enquiring the petitioner or other witnesses in this regard and complete the enquiry within a period of three (3) weeks from the date of receipt of a copy of this order.

(iv) The essential guidelines laid down by the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]**, shall be strictly followed.

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Index: Yes/No
Speaking order / Non speaking order
vum

To



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1.The Superintendent of Police,
O/o.the Superintendent of Police,
Erode District,

2.The Inspector of Police,
Sathiyamangalam Police Station,
Erode District.

4.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

vum

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