



Crl.O.P.No.29361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.29361 of 2022

Manikandan

... Petitioner

Vs.

1. The Commissioner of Police,
Avadi Commissionerate,
Avadi – 600 062.

2. The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Avadi – 600 071.

3. The Inspector of Police,
E5, Sholavaram Police Station,
Sholavaram, Chennai – 600 067.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the 3rd respondent not to harass the petitioner based on the complaint given by Reshma without any due process of law.

For Petitioner : Mr.T.K.Sathiaseelan

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



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ORDER

WEB COPY The Criminal Original Petition has been filed seeking to direct the 3rd respondent not to harass the petitioner based on the complaint given by Reshma.

2. The learned counsel for the petitioner submitted that the petitioner was working as a driver and one fine day he met his friend Reshma; he renewed his friendship with her; three years ago, the petitioner is in need of a sum of Rs.40,000/-; on knowing this, Reshma voluntarily gave him her gold ornaments to pledge and raise money; however the petitioner did not receive all the ornaments from Reshma and he returned a few of the ornaments received by him, to her; the petitioner also started to repay the amount through phonepe; in the meanwhile, there was a misunderstanding between the petitioner and Reshma and she started to blackmail him and subsequently gave a false complaint that the petitioner had cheated her; the grievance of the petitioner is that the 3rd respondent Police is harassing the petitioner in the name of enquiry by colluding with Reshma; Hence this petition.



3. The learned Government Advocate (Crl. Side) submitted that the petitioner is a named accused in the complaint given by one Reshma and on which FIR has been registered in Crime No.43 of 2022; the petitioner has filed the petition only to evade the process of law.

4. In view of the above, the petitioner being a named accused in the case pending for investigation, cannot seek a blanket order of not to harass him. Since his appearance is required for further investigation and the 3rd respondent is entitled to make enquiries on the petitioner, I feel it is appropriate to issue the following directions to the 3rd respondent Police while conducting enquiry on 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 diary/station diary/daily diary of the concerned police station.

(iii) The respondents should ensure that no harassment is caused to the petitioner either physically or mentally by the police officer or any other



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officer of the department while enquiring the petitioner or other witnesses

in this regard.

(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* reported in *2014 (2) SCC (1)*, shall be strictly followed.

5. With the above direction, this Criminal Original Petition stands disposed of.

30.11.2022

Index: Yes/No
Speaking/Non speaking order
vum



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To

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Avadi Commissionerate,
Avadi – 600 062.
2. The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Avadi – 600 071.
3. The Inspector of Police,
E5, Sholavaram Police Station,
Sholavaram, Chennai – 600 067.
4. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

vum

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