



WEB COPY



Crl.OP.No.30033 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30033 of 2022

Saminathan

... Petitioner

Vs.

1.State rep by its
The Superintendent of Police,
The Superintendent of Police Office,
Coimbatore District.

2.The Inspector of Police,
Negamam Police Station,
Coimbatore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent police not to harass the petitioner under the guise of an
enquiry in connection with the complaint filed by Lakshmana Prabhu.

For Petitioner

: Mr.P.Kalimuthu

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



Crl.OP.No.30033 of 2022

ORDER

WEB COPY This Criminal Original Petition has been filed to direct the respondents police not to harass the petitioner.

2. The learned counsel for the petitioner would submit that under the pretext of enquiry, the respondents police are unnecessarily harassing the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that on receiving the complaint from one Lakshmana Prabhu with regard to money transaction, enquiry has been conducted and the same is pending for further investigation since the petitioner has not cooperated for enquiry.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (crl.side) for the respondents police.



Crl.OP.No.30033 of 2022

5. It is the grievance of the petitioner that the respondents police have been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

6. In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.

7. 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.



Crl.OP.No.30033 of 2022

b) The respondents police are directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant

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/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.

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

06.12.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
shk



Crl.OP.No.30033 of 2022

To
WEB COPY

- 1.The Superintendent of Police,
The Superintendent of Police Office,
Coimbatore District.
- 2.The Inspector of Police,
Negamam Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.OP.No.30033 of 2022

G.CHANDRASEKHARAN,J.

shk

Crl.O.P.No.30033 of 2022

06.12.2022