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Crl.O.P.No.30370 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30370 of 2022

Munusamy

... Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner,
Avadi,
Chennai.

2.The Inspector of Police,
T1, Ambattur Police Station,
Ambattur,
Chennai – 600 053.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents not to harass the petitioner herein for the complaint made by the petitioner dated 04.08.2022 on the pretext of enquiry by misusing their official power in any manner in future.

For Petitioner : Mr.M.Vignesh

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

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2. The learned counsel for the petitioner submitted that his mother purchased a property in Survey Nos.760/1A to the extent of 31 cents and 760/3B to an extent of 19 cents. An extent of 31 cents is an ancestral property at Korattur Village. After her death, these properties were enjoyed by the petitioner and other legal heirs of his mother namely Jegathambal. However, in 2019 one Nalankilli and Venkateswaran, power agents of Sundaram and Srinivasan sold the property to four persons.

3. In this regard, the petitioner gave a complaint dated 04.08.2022 before the Commissioner of Police. However, instead of taking action, the second respondent is harassing the petitioner and insisting him to vacate the house in which he is residing. Therefore, this petition.



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4. The learned Government Advocate (Criminal Side) submitted that based on the petitioner's complaint, enquiry was conducted in C.S.R.No.1075 of 2022. During the course of the enquiry, it came to light that both the parties claim right to the same property. Therefore, this matter was referred to the Tahsildar and the Tahsildar after conducting enquiry, gave report stating that the opposite party namely Venkateswaran, Sivakumar and Mohan have no right over the disputed property.

5. Heard the learned Counsel for the petitioner and learned Government Advocate (crl.side) for the respondent/Police.

6. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

7. 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



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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.

8. 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 respondent/Police is 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.



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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

9. With the above directions, this Criminal Original Petition is disposed of.

08.12.2022

Internet: Yes
Index: Yes/No

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G.CHANDRASEKHARAN, J.
gd

To:

- 1.The Commissioner of Police,
Office of Commissioner,
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Chennai.
- 2.The Inspector of Police,
T1, Ambattur Police Station,
Ambattur,
Chennai – 600 053.
- 3.The Public Prosecutor,
High Court of Madras.

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