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Crl.OP.No.30453 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30453 of 2022

Dr.R.Harish,MBBS,MS.

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
DCB Branch, Office of S.P.
Pudupet Road,
Tirupattur & District.

2.The Sub-Inspector of Police,
DCB Branch, Office of S.P.
Pudupet Road,
Tirupattur & District.

3.Ragavan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
directing the 1st and 2nd respondents not to harass the petitioner.

For Petitioner : Mr.Charles Kamalesh M.Appaji

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



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ORDER

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents not to harass the petitioner.

2.The learned counsel for the petitioner would submit that under the pretext of enquiry, the respondents/Police is unnecessarily harassing the petitioner.

3.The learned Government Advocate (Criminal Side) appearing for the respondents/Police submitted that on receiving the complaint from one Ragavan with regard to money dispute, enquiry has been conducted and the same is pending for continuation of enquiry since the petitioner has not cooperated for enquiry.

4.Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondents/Police.



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5.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.

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



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time for appearing before them for such an enquiry/investigation.

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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.

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Index : Yes / No
Speaking / Non Speaking order
ep

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- To
- 1.The Deputy Commissioner of Police,
DCB Branch, Office of S.P.
Pudupet Road,
Tirupattur & District.
 - 2.The Sub-Inspector of Police,
DCB Branch, Office of S.P.
Pudupet Road,
Tirupattur & District.
 - 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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