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Crl.O.P.No.30948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30948 of 2022

Muthoot Finance Limited,
Represented by its Regional Manager,
Mr.Murukesh, S/o.N.Gopalan, aged 41,
No.171, Kumaran Colony 6th Street,
South India Cine TV Production Assistants Union Bldg.,
Vadapalani, Chennai – 600 026.

... Petitioner

Vs.

State by,

1. The Inspector of Police,
District Crime Branch,
Salem District.
(Crime No.16/2022)
2. The Inspector of Police,
Veeraganur Police Station,
Salem District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to direct the respondent Police not to harass the petitioner under the guise of enquiry, to follow the due process law in respect of any proposed seizure of articles.



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For Petitioner : M/s.Revathi G.Mohan
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police not to harass the petitioner.

2. Learned counsel for the petitioner submitted that even the petitioner is not an accused in Crime No.16 of 2022, pending on the file of the District Crime Branch, Salem, under the pretext of enquiry, the respondents police are unnecessarily harassing the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that on receiving the complaint from one Kandasamy, the First Information Report in Crime No.16 of 2022 was registered against 5 named accused for the offences under Sections 109, 120B & 420 IPC on the file of the District Crime Branch, Salem. He further submitted that the jewels concerned in this case alleged to have been pledged with the petitioner's bank. Therefore, the



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respondent called the petitioner for enquiry and they are not harassing the petitioner.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents police.

5. It is the grievance of the petitioner that the respondents 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. Considering the fact that the jewels concerned in this case were pledged



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with the petitioner's bank, this Court finds that the prayer sought by the petitioner cannot be granted. Any direction issued by this Court at this stage would amount to interfering with the investigation conducted by the respondents police.

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 respondents 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



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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.

9. With the above observations and direction, the Criminal Original Petition stands dismissed and the petitioner is directed to co-operate for the enquiry.

15.12.2022

Internet : Yes / No

Index : Yes / No

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To

1. The Inspector of Police,
District Crime Branch,
Salem District.
2. The Inspector of Police,
Veeraganur Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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