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Crl.OP.No.31359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31359 of 2022

1.Madhavi
2.Thimmaraj

... Petitioners

Vs.

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai Taluk,
Krishnagiri District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police or his subordinates not to harass the petitioners under the guise of the enquiry on the basis of false complaint lodged by the said Mr.B.Ravi son of Poothattikan.

For Petitioners

: Mr.P.Muthusamy

For Respondents

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



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ORDER

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2. The learned counsel for the petitioners submitted that the petitioners were running a Garment business in the name and style of "SY Garments" at Vaisur, Agraharam, Thenkanikottai Taluk. While so, one Ravi misappropriated the company funds in the guise of purchasing the company. The petitioners gave a complaint before the respondent police. However, no action has been taken. Later, as a counter blast, the said Ravi gave a false complaint against this petitioner. In respect of which, the second respondent is harassing the petitioner unnecessarily. Hence, this petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that on receiving the complaint from one Ravi with regard to business transaction, enquiry has been conducted in C.No.E-3378428 and the same is pending for continuation of enquiry since the petitioners have not cooperated for enquiry.



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

5. It is the grievance of the petitioner that the second respondent has 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 meet such situation, 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.



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b) The second 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.

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.

20.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk



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- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
 - 2.The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai Taluk,
Krishnagiri District.
 - 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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