



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.6323 of 2022

Payel Biswas

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commission of Police,
Trichy City, Trichy.

2. The Inspector of Police,
Thillai Nagar Police Station,
(Law and Order),
Thillai Nagar, Trichy City,
Trichy.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere or disturb with the peaceful conduct of the petitioner's business, offering health therapies under the name of style of Mayas (Ayurvedic Care & Spa) at S/6, Shop No.14, 2nd floor, AA18, Kind Square, Anna Nagar, Thennur, Trichy, based on the petitioner's representation dated 23.03.2022.

For Petitioner : Mr. Ezhilarasu C

For Respondents : Mr.A.Albert James
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere or disturb with the peaceful conduct of the petitioner's business, offering health therapies under the name of style of Mayas (Ayurvedic Care & Spa) at S/6, Shop No.14, 2nd floor, AA18, Kind Square, Anna Nagar, Thennur, Trichy, based on the petitioner's representation dated 23.03.2022.

2.The learned counsel appearing for the petitioner has submitted that previously this Court has passed a direction to the respondents police in Crl.O.P(MD)No.13739 of 2019, dated 27.09.2019, for summoning a person for enquiry.

3.The learned Government Advocate (Crl.Side) submitted that they are ready to follow the procedures as contemplated in Criminal Procedure Code as well as the directions issued by this Court.



4.In this case, the petitioner is conducting business in the name of style of "Mayas (Ayurvedic Care & Spa)" at S/6, Shop No.14, 2nd floor, AA18, Kind Square, Anna Nagar, Thennur, Trichy. The petitioner has been harassed by the respondents and therefore, he filed a representation, dated 23.03.2022 to the respondents not to interfere or disturb with the peaceful conduct of his business.

5.In view of the above, the respondents police are hereby directed to consider the representation of the petitioner, dated 23.03.2022 and follow the Criminal Procedure Code for calling a person for an enquiry, without any deviation and also to adhere the following directions issued in Crl.O.P(MD)No.13739 of 2019 (*supra*).

"9. 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 minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c)The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

d)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."

4.With the above directions and observations, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1. The Commissioner of Police,
Office of the Commission of Police,
Trichy City, Trichy.

2. The Inspector of Police,
Thillai Nagar Police Station,
(Law and Order),
Thillai Nagar, Trichy City,
Trichy.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C. EZHILARASU, Advocate (SR-25794[F] dated
15/06/2022)

ORDER IN
CRL.O.P (MD) No.6323 of 2022
15.06.2022

_SS(20/06/2022) 3P 5C