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Crl.OP.No.175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.175 of 2023

1.S.Nirmal Kumar

2.C.Manimaran

... Petitioners

Vs.

1.The Commissioner of Police,
Greater Chennai,
Tambaram Commissionerate,
Tambaram, Chennai 600 045.
Chengalpet District.

2.The Inspector of Police,
Central Crime Branch,
O/o.Commissioner of Police,
Tambaram,
Chennai 600 045.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to direct the second respondent police not to harass the petitioners and their family members without due process of law.

For Petitioners

: Mr.R.Sanakarasubbu

For Respondents

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



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ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioners and their family members.

2. The learned counsel for the petitioners submitted that the first petitioner and the second petitioner are friends. While so, one Maria Mariate Odil paid a sum of Rs.6,00,000/- to the first petitioner through a cheque bearing Registration No.046807 dated 28.04.2021, in respect of purchasing a plot. However, due to some reason, the first petitioner was unable to register the plot. Therefore, he returned the aforesaid amount to the Maria Mariate Odil on 27.12.2021. Though the amount was returned, the said Maria Mariate Odil insisted the first petitioner to get a plot on her terms. The first petitioner refused to do the same. Therefore, the said Maria Mariate Odil gave a complaint against the first petitioner. On the basis of the complaint, the petitioners are being harassed by the respondent police.

3. The learned Government Advocate (Crl.Side) appearing for the



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respondents police submitted that on receiving the complaint from one Maria Mariate Odil with regard to money transaction, enquiry has been conducted in C.No.425 of 2022 and it is pending.

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

5. It is the grievance of the petitioners that the respondent has been harassing them 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 petitioners have 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



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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 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 direction, the Criminal Original Petition stands disposed of.



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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

shk

To

1.The Commissioner of Police,
Greater Chennai,
Tambaram Commissionerate,
Tambaram, Chennai 600 045.
Chengalpet District.

2.The Inspector of Police,
Central Crime Branch,
O/o.Commissioner of Police,
Tambaram,
Chennai 600 045.

3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.
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