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Crl.OP.No.787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.787 of 2023

1.V.Banupriya
2.Vijayakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruppur District.

2.The Inspector of Police,
District Crime Branch,
Tiruppur District.

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police not to harass the petitioners under the guise of enquiry.

For Petitioners	: Mr.M.Vijaya Ragavan
For Respondent	: 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 under the guise of enquiry.

2. The learned counsel for the petitioner submitted that one year ago, similar complaint was given by Velpandiyan and on the basis of the complaint, enquiry was conducted. Thereafter, the petitioner filed Crl.O.P.No.1184 of 2022 seeking relief of not to harass the petitioner under the guise of enquiry and the said petition is allowed. Again similar complaint is given by Selvakumar against the petitioner with the allegation of cheating in chit transaction. He would further submit that the respondent police is unnecessarily harassing the petitioner on the basis of both the complaint. Therefore, this petition.

3. In response, the learned Government Advocate (Criminal side) submitted that on the basis of the complaint, the petition enquiry is pending.

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



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5. In view of the submission made by the learned Government Advocate (Criminal side), the respondent police is directed to consider the representation of the petitioner and take necessary action.

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 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



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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.

12.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

nsa

To

1.The Superintendent of Police,
Tiruppur District.

2.The Inspector of Police,
District Crime Branch,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN,J.

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