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Crl.OP.No.671 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.671 of 2023

1.Rohit Goel
2.Mohan Kumar
3.Srinivasan

... Petitioner

Vs.

1.State rep by
The Superintendent of Police,
Vellore, Vellore District.

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

3.S.S.R. Enterprises,
Rep by Mr.Abhirami,
No.66, Sarathy Maligai,
Officer's Line,
Vellore, Vellore 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 in view of the false complaint received from the third proposed respondent.



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For Petitioners : Mr.E.Kannadasan
For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)
for R1 and R2

ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioners in view of the false complaint received from the third proposed respondent.

2. The learned counsel for the petitioner submitted that on the basis of the complaint given by one Umesh, the respondent police is unnecessarily harassing the petitioner.

3. The learned Government Advocate (Criminal side) submitted that the complaint with regard to the petitioner is for non-payment of money and he claims that he was cheated. The petition enquiry is pending.



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

5. It is the grievance of the petitioners that the second respondent has been harassing them under the guise of an enquiry/investigation and hence, have 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 petitioners 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 name of the complainant.



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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,
Vellore, Vellore District.

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

3.The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN,J.

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