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CrI.OP.No.1332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1332 of 2023

R.Sundar Rajan

... Petitioner

Vs.

1.The Commissioner of Police,
Salem.

2.The Inspector of Police,
Central Crime Branch,
Salem.

3.G.Manoj

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction to the 2nd respondent not to harass the petitioner under the guise of enquiry at the said instance.

For Petitioner : Mr.M.Mohamed Riyaz

For R-1 & 2 : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

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2. The learned counsel for the petitioner submitted that on the instance of the contract with Tamil Nadu Civil Supply Corporation (TNCSC), he procured Dhoor dhal from the 3rd respondent and supplied the same to TNCSC. TNCSC found that 30 metric tons of Dhoor dhal is of 'Substandard Quality' and returned it to the petitioner's mill. Thereafter, petitioner instructed 3rd respondent to take back his goods. On the other hand, 3rd respondent is insisting the petitioner to pay money. The petitioner had given a complaint in this regard before the Annadanapatti Police Station, Salem. Accordingly, CSR has been issued in CSR.No.1142 of 2022 and it is pending. On that basis, the petitioner had also appeared for enquiry. Meanwhile, 2nd respondent is harassing the petitioner, on the basis of the complaint given by the 3rd respondent. Therefore, this petition is filed.



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3. In response, learned Government Advocate (Criminal Side) submitted that there appears to be some transaction in connection with the supply of Dhoor dhal between the petitioner and the 3rd respondent, in which the petitioner is liable to pay certain amount to the 3rd respondent. It is alleged that the petitioner had cheated the 3rd respondent and on that basis, 3rd respondent had given a complaint against the petitioner. An enquiry in Current Paper No.13076 of 2022 is pending for the said complaint.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (crl.side) for the respondents.

5. It is seen from the submissions made, the petitioner and 3rd respondent had given a complaint against each other and on that basis, enquiry is pending.

6. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances



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of harassment by the police under the guise of investigation is brought to its notice.

7. 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.

8. In order to meet 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 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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.



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WEB COPY 9. With the above directions, this Criminal Original Petition is disposed of.

23.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Commissioner of Police,
Salem.

2.The Inspector of Police,
Central Crime Branch,
Salem.

3.The Public Prosecutor,
Madras High Court.

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G.CHANDRASEKHARAN,J.

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