



Crl.OP.No.1210 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1210 of 2023

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... Petitioner

Vs.

The Inspector of Police,
M-1, Madavaram Police Station,
Madavaram, Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioner and his family members.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed for directing the the respondents not to harass the petitioner and his family members.



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2. The learned counsel for the petitioner submitted that petitioner is being harassed by the respondent police, on the basis of the false complaint given by one Jayasankar.

3. In response, learned Government Advocate (Criminal Side) submitted that one Jayasankar had given a complaint against the petitioner alleging that, in a business transaction, a sum of Rs.22,00,000/- was said to have been cheated by the petitioner. On the basis of the complaint, CSR.No.922 of 2021 is pending. It is further submitted that complaint is pending from the year 2021. The complainant is not appearing for enquiry.

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

5. 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.

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 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 8. With the above directions, this Criminal Original Petition is disposed of.

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Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Inspector of Police,
M-1, Madavaram Police Station,
Madavaram, Chennai.

2.The Public Prosecutor,
Madras High Court.

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G.CHANDRASEKHARAN,J.

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