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CrI.OP.No.1164 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1164 of 2023

D.Sathishkumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
H-3, Police Station,
Tondiarpet,
Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to
direct the respondent to not to harass the petitioner.

For Petitioners : Mr.A.Manojkumar

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

ORDER

This Criminal Original Petition is filed for directing the respondent police
not to harass the petitioner on the guise of enquiry.



Crl.OP.No.1164 of 2023

2. The learned counsel for the petitioner submitted that petitioner introduced the defacto complainant to one Akashpur Veera Chaitanya. It appears that the said person along with other accused had cheated the defacto complainant, on the promise of getting a Government job. Except introducing the defacto complainant to Akashpur Veera Chaintanya, petitioner does not have any role in the offence. However, the respondent police is harassing the petitioner on the guise of enquiry.

3. In response, learned Government Advocate (Criminal Side) submitted that, on the basis of the complaint given by the defacto complainant, alleging that the petitioner had received a sum of Rs.2,00,000/- for getting him a Government Job, an enquiry is pending in that regard.

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



Crl.OP.No.1164 of 2023

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 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 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.



Crl.OP.No.1164 of 2023

WEB COPY

b) The 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.

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.



Crl.OP.No.1164 of 2023

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

WEB COPY of.

20.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Inspector of Police,
H-3, Police Station,
Tondiarpet,
Chennai.

2.The Public Prosecutor,
Madras High Court.



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Crl.OP.No.1164 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.1164 of 2023

20.01.2023