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Crl.O.P.No.2054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2054 of 2023

P.Subramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Cuddalore District.

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

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to not to harass the petitioner under the guise of investigation in pursuant to the petitioner's representation dated 22.01.2023.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent to not to harass the petitioner under the guise of investigation in pursuant to the petitioner's representation dated 22.01.2023.

2. Learned counsel for the petitioner submitted that, petitioner is running Computer Sales and Service Centre. On the basis of the complaint given by Kanagavalli, petitioner is being harassed by the respondent police. Infact, there was a deal between the petitioner and said Kanagavalli, for the purchase of computers. The said Kanagavalli did not pay GST and Income taxes. In this regard, petitioner issued a legal notice to the said Kanagavalli. However, the petitioner is being harassed, on the basis of the false complaint given by Kanagavalli. Therefore, he filed this petition.

3. Learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by Kanagavalli, enquiry is pending.



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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 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.



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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.

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**



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Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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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.

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

01.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
gd



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G.CHANDRASEKHARAN,J.

gd

To

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Cuddalore District.
- 2.The Inspector of Police,
District Crime Branch,
Cuddalore District.
- 3.The Public Prosecutor
Madras High Court.

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