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Crl.OP.No.2387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2387 of 2023

1. Nallammal

2. Soundarya

3. Tamilkannan

... Petitioners

Vs.

1. The Superintendent of Police,
Namakkal District,
Namakkal.

2. The Deputy Superintendent of Police,
Economic Offences Wing,
Namakkal District,
Namakkal.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioners by appreciating the facts and circumstances of the case.



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For Petitioner
For Respondent

: Mr. R.Jayaprakash
: Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioners under the guise of enquiry in a matter not pertaining to the 1st respondent.

2. The learned counsel for the petitioner submitted that one Mohanraj was running finance company for more than 35 years. It appears that he owes some money to certain persons and he was working on returning money to them. While so, he died on 10.09.2020. Thereafter, his wife Senthamilselvi was working on the settlement of the money. She also died on 20.12.2022. Now, the respondents have been harassing the petitioners who are Mother, Daughter and Sister-in-law of Mohanraj. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that Mohanraj and Senthamilselvi were running finance company in the name of



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“Vadivel Bankers” and they have to pay money to several perosns. In this regard, complaint was given by one Suresh Kumar. Based on the complaint, enquiry was conducted and the same was closed on 04.02.2023, since both the parties agreed to resolve the pending issue between them. He further submitted that, if there is no settlement reached, there is a possibility of re-opening the complaint.

4. It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

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

7. With the above observations and direction, the Criminal Original



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Petition stands disposed of.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Deputy Superintendent of Police,
Economic Offences Wing,
Namakkal District,
Namakkal.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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