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CrI.OP.No.2844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.2844 of 2023

1.S.Karthickraj
2.R.Prabhu
3.R.Anandhan
4.P.Mahesh

... Petitioners

Vs.

State represented by
Inspector of Police,
Central Crime Branch Police Station,
Coimbatore.
(Crime No. Not known)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioners in pursuance to complaint given by the said Jansirani and S.Hagiskhan as against the petitioners.

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



Crl.OP.No.2844 of 2023

ORDER

This Criminal Original Petition is filed for directing the respondent police not to harass the petitioners in pursuance to complaint given by the said Jansirani and S.Hagiskhan as against the petitioners.

2. The learned counsel for the petitioners submitted that, the petitioners are running a Society for development of lands into plots, in the name of Rehabeth Co-operative House Building Society Limited. One Jansirani gave a false complaint against the petitioners and on that basis, the respondent police is frequently harassing the petitioners, on the guise of enquiry. Therefore, this petition.

3. In response, learned Government Advocate (Criminal Side) submitted that, one Jansirani gave a complaint against the 1st petitioner, alleging that, he collected huge amount from the public and did not account for it. On the basis of the complaint, petitioners enquiry is pending.



Crl.OP.No.2844 of 2023

4. Heard the learned Counsel for the petitioners 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 petitioners have 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 petitioners 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



Crl.OP.No.2844 of 2023

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.

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



Crl.OP.No.2844 of 2023

dispute between the parties.

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

10.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Inspector of Police,
Central Crime Branch Police Station,
Coimbatore.

2.The Public Prosecutor,
Madras High Court.



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Crl.OP.No.2844 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.2844 of 2023

10.02.2023