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Crl.O.P.No.2782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2782 of 2023

1. Srinivasan
2. Aswathaman

... Petitioners

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.
2. The Inspector of Police,
Kodungaiyur Police Station,
Chennai – 600 118.

... Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the first respondent to direct the second respondent not to
harass the petitioners without due process of law to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed seeking to direct the respondents not to harass the petitioners.

2. Learned counsel for the petitioners submitted that the petitioners are Advocates practicing in Egmore Bar Association. The respondents police called the petitioners for enquiry without issuing any summons and unnecessarily harassing them, under the pretext of enquiry.

3. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioners are the accused in Crime No.824 of 2022 and they were called for enquiry only for the purpose of investigation.

4. Considered rival submissions and perused the records. 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 petitioner may not be the same to the police officer.

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5. 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 respondents are 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.

6. In view of the submissions made by the learned Government Advocate



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(Crl.Side) that the petitioners are accused in Crime No.824 of 2022, this Court directs the respondent to follow the procedure established by law, while conducting investigation in this case. Also, the petitioner is directed to cooperate with the enquiry that is being conducted by the respondent Police.

7. With the above observations and direction, the Criminal Original Petition stands disposed of.

09.02.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No



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To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.
2. The Inspector of Police,
Kodungaiyur Police Station,
Chennai – 600 118.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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