



Crl.O.P.No.2701 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.2701 of 2023

Senthilkumar

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District.

2. The Inspector of Police (Crime),
Rayakkottai Police Station,
Krishnagiri District.

3. Madhappan

... Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the respondents police not to harass the petitioner under the
guise of enquiry

For Petitioner : Mr.T.Ganesan

For R1 & R2 : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police not to harass the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner is running a trust in the name and style of “Idhayam Foundation Trust”. The objective of this trust is to arrange loans from Government to poor people and help them to repay the loan amount. He appointed one Kanagavalli for overseeing the sanction of loan and for repayment. The said Kanagavalli collected more money than what actually the loan amount was, and did not repay. However, she gave a complaint making false allegations. On the basis of her complaint, the respondents police are unnecessarily harassing the petitioner, under the pretext of enquiry. Therefore, this petition has been filed by the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that based on the complaint given by one Kanagavalli against the petitioner alleging that she collected a sum of Rs.2500/- each from 400 persons and gave it to the petitioner, but the petitioner has not given any receipt for the



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said amount and also not repay the amount. Enquiry has been conducted in C.S.R.No.6 of 2023 and the petition enquiry is pending on the file of the second respondent Police.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents police.

5. It is the grievance of the petitioner that the respondents have 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.

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 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 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.

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



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Petition stands disposed of.

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police (Crime),
Rayakkottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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