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Crl.O.P.No.3231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3231 of 2023

Bashher Ahmed

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Crime,
Vepary Police Station,
Vepary, Chennai.

... Respondent

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

For Petitioner : Mr.S.Madhusudanan

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

ORDER

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

2. Learned counsel for the petitioner submitted that one Farhat Ara gave a



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complaint against the petitioner alleging that the petitioner has borrowed money from her husband and did not repay the amount. On the basis of her complaint, the respondent Police is unnecessarily harassing the petitioner under the pretext of enquiry.

3. In response, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that on the basis of the complaint given by the said Farhat Ara with regard to the money transaction, enquiry has been conducted by the respondent Police. He further submitted that the petitioner undertook to pay the money, but he failed to pay the same and the petition enquiry is pending on the file of the respondent Police.

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

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

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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



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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 Petition stands disposed of.

13.02.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Inspector of Police,
Crime,
Vepary Police Station,
Vepary, Chennai.

2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN,J.

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