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Crl.OP.No.3449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3449 of 2023

A.Akeem Raja

... Petitioner

Vs.

1.The Commissioner of Police,
E.V.K.Sampath Road,
Chennai City, Chennai.

2.The Inspector of Police,
P-1, Pulyanthoppu Police Station,
Chennai – 600 012.

3.Dhass

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., directing the 2nd respondent Police not to harass the petitioner on the guise of enquiry on the basis of the complaint lodged by the third respondent.

For Petitioner : Mr.Balakumar A

For Respondents : Mr.S.Santhosh

Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent Police not to harass the petitioner on the guise of enquiry on the basis of the complaint lodged by the third respondent.

2.The learned counsel for the petitioner submitted that third respondent Dhass is known to the petitioner and he borrowed a sum of Rs.1,60,000/- from him one and half years back. Petitioner repaid the principal amount along with 20% interest that is around Rs.15,00,000/-. Even thereafter, third respondent gave a false complaint against the petitioner. On that basis, respondents 1 and 2 are harassing the petitioner. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal Side) submitted that on the basis of the complaint given by third respondent/Dhass with regard to money transaction, petition enquiry is pending in C.No.1365 of 2022.



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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 light of the submission made by the learned Government Advocate (Criminal side) and also the submission made by the learned counsel for the petitioner that petitioner was in love with Fathima Faraha and it got broken, petitioner is directed to co-operate with the respondent Police for enquiry.

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 petitioner may not be the same to the



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police officer.

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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 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



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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.

15.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

1. The Commissioner of Police,
E.V.K.Sampath Road,
Chennai City, Chennai.
2. The Inspector of Police,
P-1, Pulyanthoppu Police Station,
Chennai – 600 012.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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