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Crl.OP.No.3658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3658 of 2023

M.Sathyanarayanan

... Petitioner

Vs.

1.The Commissioner of Police
Avadi Police Commissionerate
Avadi, Chennai – 600 054.

2.The Inspector of Police (Crime)
T-15 SRMC Police Station,
Ayyapanthangal,
Chennai – 600 056.

3.M.Senthilmohan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent and his subordinates not to harass the petitioner.

For Petitioner : Mr.M.Senthil Kumar
For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent and his subordinates not to harass the petitioner.

2.The learned counsel for the petitioner submitted that on the basis of complaint given by one Senthil Mohan, in a money transaction, second respondent is unnecessarily harassing the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that one Senthil Mohan gave a complaint against the petitioner alleging that petitioner received a sum of Rs.99,00,000/- for the purpose of construction of house to Senthil Mohan. However, the petitioner has not constructed the building nor did he pay the amount. On the basis of his complaint, petition enquiry in C.S.R.No.3658 of 2023 was pending. Now the case is transferred to Central Crime Branch, Avadi.

4.It is the grievance of the petitioner that the respondent police has been



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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 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 police officer.

6.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



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diary/station diary/daily diary of the police station.

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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.

7.The Central Crime Branch, Avadi, is directed to conduct the enquiry in the manner known to law.

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

20.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

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T-15 SRMC Police Station,
Ayyapanthangal,
Chennai – 600 056.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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