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Crl.OP.No.4083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4083 of 2023

C.M.Vettrichezian

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Veppery, Chennai.

2.The Inspector of Police (Crime)
Puzhal Police Station,
Chennai

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner in the absence of any complaint.

For Petitioner : Mr.C.T.Saravanan
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 not to harass the petitioner in the absence of any complaint.

2.The learned counsel for the petitioner submitted that on the basis of complaint given by one Selvam, petitioner is unnecessarily harassed.

3.In response, the learned Government Advocate (Criminal Side) submitted that one Selvam gave a complaint against the petitioner alleging that he purchased a property from petitioner for Rs.83,00,000/-. The property worth only about Rs.45,00,000/-. Therefore, he gave a complaint seeking the balance amount.

4.Considered the rival submissions and perused the records.

5.Obviously it is for Selvam before buying the property to find out what



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is the exact value of the property and then buy the property. The complaint allegations it appears that do not make out a criminal case. Therefore, the respondent has no authority to enquire into a civil dispute.

6.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.

7.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.

8.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



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date and time for appearing before them for such an enquiry/investigation.

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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 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.

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

24.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

- 1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Veppery, Chennai.
- 2.The Inspector of Police (Crime)
Puzhal Police Station,
Chennai
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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