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Crl.OP.No.3793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3793 of 2023

T.Mablin Salan

... Petitioner

Vs.

State rep. by:

1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Sub-Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct to 2nd respondent police not to harass the petitioner based on the representation sent by the petitioner on 09.02.2023 to the respondents.

For Petitioner : Mr.P.M.Jayachandran
For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner based on the representation sent by the petitioner on 09.02.2023 to the respondents.

2.The learned counsel for the petitioner submitted that the petitioner is doing welding work in the name and style of “Baruch Engineering Welding works” at Hosur, Krishnagiri District. One Govindaraj has to pay a sum of Rs.1,33,000/- (Rupees One Lakh Thirty Three Thousand only) to the petitioner in connection with welding works. However, one Saranraj, who is the brother of Govindaraj, has given a complaint against the petitioner and on the basis of his complaint, the respondent police is unnecessarily harassing the petitioner under the guise of enquiry. Therefore, the present petition is filed by the petitioner.

3.In response, the learned Government Advocate (Crl. Side) appearing for the respondents submitted that one Saranraj gave a complaint against the



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petitioner alleging that materials were given to the petitioner for welding work. Even after three months, the petitioner had not done the welding work nor did he return the materials. On the basis of his complaint, petition enquiry in C.S.R.No.36 of 2023 is pending.

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

5.This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

6.In the present case in hand, the petitioner has made a complaint of harassment by the police based on the complaint seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very



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wide meaning and hence, what could be harassment to the petitioner 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 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



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Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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

21.02.2023

Index : Yes / No
Speaking / Non Speaking order
Neutral Citation Case: Yes/No
sp

To

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Sub-Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

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