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Crl.OP.No.3784 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.3784 of 2023

1.P.Prasana
2.S.Padmaraj

... Petitioners

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Salem Town, Salem – 636 006.

2.The Inspector of Police,
Annadanapatti Police Station,
Salem – 636 002.
(Crime No. unknown of 2023)

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to pass an order directing the respondents particularly the second respondent herein not to harass the petitioners in the guise of enquiry in Crime No.Unknown of 2023 on the file of The Inspector of Police, Annadanapatti P.S., Salem Town, Salem – 636 002.



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For Petitioners : Ms.R.Meenal
For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents particularly the second respondent herein not to harass the petitioners in the guise of enquiry in Crime No.Unknown of 2023 on the file of second respondent police.

2.The learned counsel for the petitioners submitted that the petitioners supplies silk sarees to M/s.Shapos Services Pvt. Ltd., Bangalore. Without authorization from M/s.Shapos Services Pvt. Ltd., one Ravi gave a complaint and on the basis of the said complaint, the respondent police is unnecessarily harassing the petitioners under the guise of enquiry. Therefore, the present petition is filed by the petitioners.

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



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allegations against the petitioners that they have created forged bills and cheated M/s.Shapos Services Pvt. Ltd. to the tune of Rs.4,00,00,000/- (Rupees Four Crores only). On the basis of his complaint, petition enquiry in C.S.R.No.56 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 petitioners have 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 Commissioner of Police,
Office of the Commissioner of Police,
Salem Town, Salem – 636 006.
2. The Inspector of Police,
Annadanapatti Police Station,
Salem – 636 002.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

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