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CrI.O.P.No.5906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

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THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

**CrI.O.P.No.5906 of 2023**

1. Ahamed Gaffoor
2. S.Abdul Bhari

... Petitioners

Vs.

1. State represented by its  
The Superintendent of Police,  
The S.P.of Police Office,  
Coimbatore District.
2. The Inspector of Police,  
West Police Station, Pollachi,  
Coimbatore District,  
Crime No. Not known of 2023

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable direction directing the respondent police not to harass the petitioners under the guise of an enquiry in connection with the complaint filed by Syed Ahmed Ullah and pass such other suitable orders as this Hon'ble Court deems fit and proper in the circumstances of the case.



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Crl.O.P.No.5906 of 2023

For Petitioners : Mr.P.Kalimuthu  
For Respondents : Mr.S.Santhosh  
Government Advocate (Criminal side)

**ORDER**

This Criminal Original Petition has been filed directing the respondent police not to harass the petitioners under the guise of an enquiry in connection with the complaint filed by Syed Ahmed Ullah.

2. The learned counsel for the petitioners submitted that based on the complaint given by one Syed Ahmed Ullah, the second respondent is unnecessarily harassing the petitioners.

3. In response, the learned Government Advocate (Crl.Side) submitted that one Syed Ahmed Ullah gave a complaint against the petitioners stating that he had handed over Rs.4,00,000/- to the petitioners for purchase of land on behalf of the complainant. However, the accused neither purchased the land nor repaid the amount. Therefore, he lodged a complaint. On the basis of the complaint, enquiry is pending in Current Paper No.P2/4018265/97/23.

4. Considered the submissions and perused the records.



CrI.O.P.No.5906 of 2023

WEB COPY

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 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 petitioners 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



Crl.O.P.No.5906 of 2023

number, date of complaint and the name of the complainant.

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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

8. With the above directions, this Criminal Original Petition is disposed of.

**16.03.2023**

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order  
mn

To

4/6



Crl.O.P.No.5906 of 2023

1. The Superintendent of Police,  
The S.P. of Police Office,  
Coimbatore District.

2. The Inspector of Police,  
West Police Station, Pollachi,  
Coimbatore District.

3. The Public Prosecutor  
Madras High Court.

**G.CHANDRASEKHARAN,J.**

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Crl.O.P.No.5906 of 2023

Crl.O.P.No.5906 of 2023

16.03.2023