



Crl.OP.No.3857 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.3857 of 2023**

Lakshmanan

... Petitioner

**Vs.**

The Inspector of Police,  
Central Crime Branch Team 16,  
Anti Land Grabbing Cell,  
Veppery,  
Chennai – 600 007.

... Respondent

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to pass an order directing the respondent not to harass the petitioner under the guise of enquiry on false and baseless complaint given by the de-facto complainant.

For Petitioner : Ms.Harsha Vardhini  
for M/s.G.Mohana Krishnan

For Respondent : Mr.S.Santhosh  
Government Advocate (Crl.Side)



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**ORDER**

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner under the guise of enquiry on false and baseless complaint given by the *de-facto* complainant.

2.The learned counsel for the petitioner submitted that the petitioner is not an accused in Crime No.84 of 2020, but the respondent police is unnecessarily harassing him under the guise of enquiry. Therefore, the present petition is filed before this Court.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the FIR in Crime No.84 of 2020 was registered for the offences under Sections 419, 465, 467, 468, 471 and 120B of IPC by CCB-I on the basis of the complaint given by one Ariyal against one Rajendran and four others. He also submitted that this is a case of impersonation. Further, he submitted that though the petitioner is not a named accused in this case, he is required for the purpose of enquiry.



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4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

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 wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.



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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

**Note :** Issue order copy on **23.02.2023**.

To

1. The Inspector of Police,  
Central Crime Branch Team 16,  
Anti Land Grabbing Cell,  
Veppery,  
Chennai – 600 007.
2. The Public Prosecutor,  
High Court of Madras, Chennai.

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**G.CHANDRASEKHARAN,J.**

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