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Crl.OP.No.4197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4197 of 2023

Selvamani

... Petitioner

Vs.

The State,
Represented by
Inspector of Police,
Cyber Crime Police Station
Tiruppur District.
(Cr.No.14/2022)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent not to harass the petitioner under the guise of enquiry
pertaining to unknown cases and unknown crime numbers.

For Petitioner	: M/s.A.Parthasarathy and Associates
For Respondent	: Mr.S.Santhosh Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent
not to harass the petitioner under the guise of enquiry pertaining to unknown
cases and unknown crime numbers.



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2. Learned counsel for the petitioner submitted that the petitioner is unnecessarily harassed by the respondent police on the basis of the complaint given by one Kathirvelu. Therefore, this petition.

3. Learned Government Advocate (Crl.side) submitted that on the basis of the complaint given by Kathirvelu, First Information Report in Crime No.14 of 2022 was registered for the offence under Section 420 of IPC and Section 66D of Information Technology Act 2000. The petitioner is a named accused in this case.

4. In view of the submission of the learned Government Advocate (Crl.side) that the petitioner is a named accused, petitioner has to cooperate with the investigation.

5. 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.



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6. 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.

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 **Lalita Kumari Vs. Government of Uttar**



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Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

mpl

To

1. The Inspector of Police,
Cyber Crime Police Station
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

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