



CrI.O.P.No.4425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.4425 of 2023

1.A.K.Saravanan

2.Kalpana

...

Petitioners

/vs/

1.The Assistant Commissioner of Police,
Central Crime Branch,
Coimbatore.

2.The Inspector of Police,
Central Crime Branch,
Coimbatore City.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondents 1 and 2 to not to harass the petitioners in the guise of enquiry.

For Petitioners

...

Mr.R.Karthikeyan

For Respondents

...

Mr.S.Santhosh,
Government Advocate (crl.side)

For Intervenor

...

Mr.R.C.Paul Kanagaraj

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to not to harass the petitioners in the guise of enquiry.



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2. Learned counsel for the petitioners submitted that petitioners are unnecessarily harassed by the respondent police on the basis of the complaint given by Pandithurai alleging that the petitioners received a sum of Rs.27,00,00,000/- and misappropriated funds and not returned Rs.14,00,00,000/-. On the basis of the said false complaint, petitioners are being harassed.

3. In response, learned Government Advocate (CrI.side) submitted that on the basis of the complaint given by Pandithurai, the petition enquiry in C.No.533 of 2022 is pending.

4. Mr.R.C.Paul Kanagaraj, learned counsel submitted that he is representing the complainant Pandithurai. However, complainant Pandithurai is not a party of this case.

5. Considered the submissions of the learned counsel appearing for the parties. It appears that it is a dispute with regard to money transaction and petition enquiry in C.No.533 of 2022 on the basis of the complaint given by Pandithurai is pending. Petitioners' only apprehension is that they are unnecessarily harassed. It is also seen from the submission of the learned Government Advocate (CrI.side) that, petitioners after receiving



summons for appearance for enquiry, they did not appear for the enquiry.

Petitioners are directed to co-operate with the enquiry.

6. It is the grievance of the petitioners that the respondent police has been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

7. 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.

8. 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



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the CSR 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.

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

28.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Assistant Commissioner of Police,
Central Crime Branch,
Coimbatore.
- 2.The Inspector of Police,
Central Crime Branch,
Coimbatore City.
- 3.The Public Prosecutor,
High Court, Madras.

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