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Crl.OP.No.5079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5079 of 2023

S.Balamurugan

... Petitioner

Vs.

1. State Rep by its,
The Inspector of Police,
Central Crime Branch (CCB),
Tirupur Commissionerate,
Tirupur.

2. K.Gokul.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent police to not to harass the petitioner during the time of
enquiry by the respondent police.

For Petitioner

: Mr.V.Duraipandi

For Respondent

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the respondent police to not to harass the petitioner during the time of enquiry by the respondent police.

2. The learned counsel for the petitioner submitted that there is a monetary transaction between the petitioner and 2nd respondent. In this regard, already suit filed by the petitioner in O.S.No.632 of 2022 is pending on the file of the Principal District Magistrate, Salem. When the suit is pending, on the basis of the complaint given by the 2nd respondent, respondent police is unnecessarily harassing the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by the 2nd respondent, enquiry is pending in C.No.09/CCB/TPC/2023. He further submitted that, if the dispute is appeared to be civil dispute, appropriate orders will be passed.

4. It is the grievance of the petitioner that the respondent police has been



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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.

5. 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.

6. 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



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diary/daily diary of the police station.

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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.

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

06.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

1. The Inspector of Police,
Central Crime Branch (CCB),
Tirupur Commissionerate,

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Tirupur.

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2. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

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