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Crl.O.P.No.7296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7296 of 2023

Karthick

...

Petitioner

VS

1.The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.

3.The Inspector of Police,
District Crime Branch,
Namakkal District.

4.Pichaimmal

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 1st to 3rd respondents herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's representation dated 17.02.2023 and to pass such orders as this Court may deem fit.

For Petitioner

...

Mr.G.Anto Prince

For R1 & 2

...

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



Crl.O.P.No.7296 of 2023

ORDER

This Criminal Original Petition has been filed to direct the 1st to 3rd respondents herein not to harass the petitioner under the guise of enquiry on the basis of the petitioner's representation dated 17.02.2023 and to pass such orders as this Court may deem fit.

2. Learned counsel for the petitioner submitted that, on the basis of the complaint given by one Pichaimmal, alleging that, petitioner collected money from her, on behalf of YRSK Finance Company and did not return the amount, 3rd respondent is harassing him. It is the submission of learned counsel for the petitioner that, petitioner is only an employee of this finance company and he is no way responsible for the collection of money. However, respondent police is unnecessarily harassing him, under the guise of enquiry.

3. In response, learned Government Advocate (Criminal side) submitted that, one Pichaimmal gave a complaint against the petitioner and one another, alleging that, petitioner is the Manager of YRSK Finance Company and in that capacity, he collected money from her. When she



wanted the money to be returned, the same was not returned.

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4. Considered the submissions and perused the records.

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 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:



Crl.O.P.No.7296 of 2023

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

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



CrI.O.P.No.7296 of 2023

disposed of.

WEB COPY

03.04.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order
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Crl.O.P.No.7296 of 2023

G.CHANDRASEKHARAN, J.

gd

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Namakkal District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7296 of 2023

03.04.2023