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CrI.O.P.No.5896 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 15.03.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**CrI.O.P.No.5896 of 2023**

Jagan

...Petitioner

**Vs.**

The Inspector of Police (Crime),  
S-14, Peerkkankaranai Police Station,  
Tambaram,  
Chennai District.

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. Praying to direct the respondent not to harass the petitioner and his family members in connection with Crime No.Not Known of 2023 on the file of the respondent police.

For Petitioner : Mr.K.Prasanth

For Respondent : Mr.S.Santhosh

Government Advocate (Criminal side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner and his family members in connection with Crime No.Not Known of 2023 on the file of the respondent police.



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2. Learned counsel for the petitioner submitted that, petitioner and defacto complainant's brother namely Vigneshwaran pledged gold jewels of Vijay and obtained a sum of Rs.5,50,000/-. The said amount was handed over to Vigneshwaran. However, Vijay, brother of Vigneshwaran gave a complaint alleging that petitioner cheated him. On the basis of the said complaint, respondent police is harassing the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, one Vijay gave a complaint against the petitioner, alleging that petitioner had borrowed his gold jewels and cash and did not return either the jewels or cash. On the basis of the complaint, CSR.No.165 of 2023 is pending.

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.



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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 petitioners 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.



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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

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

**15.03.2023**

Internet :Yes

Index :Yes/No

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- To:
- 1.The Inspector of Police (Crime),  
S-14, Peerkkankaranai Police Station,  
Tambaram,  
Chennai District.
  - 2.The Public Prosecutor,  
High Court of Madras.



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**G.CHANDRASEKHARAN, J.**  
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