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Crl.OP.No.5791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5791 of 2023

1.Suguna

2.Arumugam

... Petitioners

Vs.

1.State by Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore District.

2.Alagu Jayapal

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent herein not to harass the petitioners based on the complaint given against them by the defacto complainant in this case.

For Petitioner : Mr.D.Sivashanmugam
For Respondents : Mr.S.Santhosh (For R1)
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent herein not to harass the petitioners based on the complaint given against them by the defacto complainant in this case.

2.The learned counsel for the petitioners submitted that based on the complaint given by second respondent, in connection with the agreement of sale, the first respondent is unnecessarily harassing the petitioners. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal Side) submitted that based on the complaint given by second respondent First Information Report in Cr.No.53 of 2017 for the offence under Section 120 B, 420, 466, 467 and 468 I.P.C. was registered against the petitioners and investigation is pending. Since, there was a stay, the investigation could not be completed. First respondent directed the petitioner to appear for the enquiry.



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4.In the light of the submission made by the learned Government Advocate (Criminal side), that petitioners are named accused in Cr.No.53 of 2017, petitioners are directed to co-operate with the investigation.

5.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.

6.In the present case in hand, the petitioners had 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



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

8.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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To

1. Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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