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Crl.O.P.Nos.5814 and 5905 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.5814 and 5905 of 2023

Crl.O.P.No.5814 of 2023:-

M.Manikandan

...Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Veppery,
Chennai – 600 007.

2.The Inspector of Police,
J-3, Police Station,
Guindy,
Chennai – 600 032.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent herein not to harass the petitioner in any manner and thus render justice.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)



Crl.O.P.Nos.5814 and 5905 of 2023

Crl.O.P.No.5905 of 2023:-

M.Manikandan

...Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Veppery,
Chennai – 600 007.

2.The Inspector of Police,
J-3, Police Station,
Guindy,
Chennai – 600 032.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents herein to provide protection to the life and limb of the petitioner who runs Petrol Bunk called as “Ravi Agencies” at No.87, Mount Road, Guindy, Chennai -32 and thus render justice.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)

COMMON ORDER

The Criminal Original Petition in Crl.O.P.No.5814 of 2023 is filed to direct the 2nd respondent herein not to harass the petitioner in any manner and thus render justice.



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2. The Criminal Original Petition in Crl.O.P.No.5905 of 2023 is filed to direct the respondents herein to provide protection to the life and limb of the petitioner who runs Petrol Bunk called as “Ravi Agencies” at No.87, Mount Road, Guindy, Chennai -32 and thus render justice.

3. Learned counsel for the petitioner submitted that, petitioner is a lessee from Hindustan Petroleum Corporation Limited and running a Petrol Bunk at Mount Road, Guindy. On the basis of the complaint given by one R.Thiagarajan, petitioner is being unnecessarily harassed and threatened to vacate the premises. He further submitted that at the instigation of R.Thiagarajan, rowdy elements are threatening the petitioner and disturbing the free trade operation.

4. Learned Government Advocate (Criminal side) submitted that, R.Thiagarajan gave a complaint against the petitioner alleging that, there is a huge arrears of rent, payable from the petitioner to the owner of the premises and when the rents were demanded, petitioner said to have made criminal intimidation. On the basis of his complaint, CSR.No.188 of 2023 is pending.



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5. Considered the submissions and perused the records.

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6. In the light of the submissions of learned counsel for the petitioner, *prima facie* it appears that, dispute between the parties is a rental dispute, only the Rent Court can resolve this issue legally. Police can interfere only if criminal offences are committed. They have no right or authority to interfere in civil dispute.

7. 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.

8. 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.



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9. 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.

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**



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

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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.

10. With regard to Police protection, the respondent Police is directed to consider petitioner's representation dated 06.03.2023 and pass appropriate orders based on the threat presumption.

11. With the above directions, these Criminal Original Petitions are disposed of.

15.03.2023

Internet :Yes

Index :Yes/No

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To:

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Chennai – 600 007.
- 2.The Inspector of Police,
J-3, Police Station,
Guindy,
Chennai – 600 032.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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