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Crl.OP.No.5783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5783 of 2023

Rahul Hareendran

... Petitioner

Vs.

The State

Represented by Inspector of Police,

T17, Perumbakkam Police,

Semmancheri, Arasankalani,

Sithalapakkam, Chennai, Tamil Nadu 600 119.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner in the blanket of enquiry in C.S.R.No.198/2023 on the file of the respondent Police.

For Petitioner : Mr.M.Mrithun Jayan

For Respondent : Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner in the blanket of enquiry in C.S.R.No.198/2023 on the



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file of the respondent Police.

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2.The learned counsel for the petitioner submitted that based on the complaint given by one Swagatha Sundarakrishnan, petitioner is being harassed in a civil dispute. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal Side) submitted that Swagatha Sundarakrishnan gave a complaint against the petitioner making allegations that petitioner after receiving a sum of Rs.26,00,000/- in connection with a project, failed to perform his part of contract and caused loss to Swagatha Sundarakrishnan. It appears *prima-facie*, civil business transaction.

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



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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 diary/daily diary of the police station.

d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.



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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.

14.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. Inspector of Police,
T17, Perumbakkam Police,
Semmancheri, Arasankalani,
Sithalapakkam, Chennai, Tamil Nadu 600 119.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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