



WEB COPY



CrI.O.P.No.5900 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.5900 of 2023

Alavudeen

...Petitioner

Vs.

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.
- 2.The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.
- 3.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to issue a direction, directing the Respondent No.2 and 3 to not to harass the petitioner in the guise of enquiry, since the Respondent No.2 and 3 without following the procedures continuously called upon the petitioner in the guise and pressurized him by execute the 110 Cr.P.C security bond without following the procedures of 110 Cr.P.C the reason best known to them and pass any further order.



Cr.L.O.P.No.5900 of 2023

For Petitioner : Mr.S.M.A.Jinnah

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

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the Respondents No.2 and 3 to not to harass the petitioner in the guise of enquiry, since the Respondent No.2 and 3 without following the procedures continuously called upon the petitioner in the guise and pressurized him by execute the 110 Cr.P.C security bond without following the procedures of 110 Cr.P.C the reason best known to them and pass any further order.

2. Learned counsel for the petitioner submitted that, petitioner is unnecessarily called by the respondent police on the guise of enquiry. Therefore, he filed a petition to direct the respondent police not to harass him.

3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by one Sopinbalakrishnan, First Information Report in Crime No.556 of 2022 for the offences under Section 420 of IPC was registered against the petitioner and two others by Kuniamuthur Police Station. Petitioner was required for enquiry in connection



CrI.O.P.No.5900 of 2023

with the investigation and there is no harassment against the petitioner.

WEB COPY

4. Considered the submissions and perused the records.

5. In view of the submission of learned Government Advocate (Criminal side), petitioner is directed to cooperate with the investigation.

6. 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.

7. 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.

8. In order to meet such situations, the following guidelines are issued:



CrI.O.P.No.5900 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 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.

f) If any cognizable offence is committed, then it is open to the



Cr.L.O.P.No.5900 of 2023

respondent police to take appropriate action or else they should not interfere

with the civil dispute between the parties.

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

15.03.2023

Internet :Yes

Index :Yes/No

gd

To:

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.
- 2.The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.
- 3.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5900 of 2023

G.CHANDRASEKHARAN, J.
gd

Crl.O.P.No.5900 of 2023

15.03.2023