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Crl.O.P.No.5887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5887 of 2023

T.Chernmaraj

...

Petitioner

VS.

The State of Tamil Nadu,
Represented by the Inspector of Police (Crimes),
N-1 Royapuram Police Station,
Royapuram, Chennai – 600 013.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to issue a direction to the respondent herein not to harass the petitioner as per CSR No. 123/2023 dated 24.02.2023 registered by it.

For Petitioner

...

Mr.M.Balasubramanian

For Respondent

...

Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to issue a direction to the respondent herein not to harass the petitioner as per CSR No. 123/2023 dated 24.02.2023 registered by the respondent police.



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2. Learned counsel for the petitioner submitted that, petitioner is a Managing partner of V.R.Logistics. On the basis of a complaint given by Om Sree Kanaga Durgai Amman Transport, respondent police is unnecessarily harassing the petitioner. Therefore, petitioner filed this petition for directing the respondent not to harass the petitioner, under the guise of enquiry.

3. In response, learned Government Advocate (Criminal side) submitted that E.Manoharan on behalf of Om Sree Kanaga Durgai Amman Transport gave a complaint alleging that petitioner committed cheating against him. On the basis of the complaint, CSR.No.123 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



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turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

6. 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.

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.



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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 respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.



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

disposed of.

15.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd

To

1.The Inspector of Police (Crimes),
N-1 Royapuram Police Station,
Royapuram, Chennai – 600 013.

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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