



CrI.O.P.No.6062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

**CrI.O.P.No.6062 of 2023**

S.Mythili

... Petitioner

Vs.

1. The State represented by its  
The Additional Superintendent of Police,  
Economic Offence Wing,  
Ashok Nagar, Chennai.

2. The Inspector of Police,  
Economic Offence Wing,  
Ashok Nagar, Chennai.

3. Kaleel Rahman

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Respondent Nos.1 and 2 to not to harass the petitioner under the guise of investigation pertaining to case registered in Crime No.7 of 2022 on the file of the Economic Offences Wing, Chennai.



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For Petitioner : Mr.K.Prabakar

For Respondents  
R1 and R2 : Mr.S.Santhosh  
Government Advocate (Criminal side)

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**ORDER**

This Criminal Original Petition has been filed directing the Respondent Nos.1 and 2 to not to harass the petitioner under the guise of investigation pertaining to case registered in Crime No.7 of 2022, on the file of the Economic Offences Wing, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner purchased a Car bearing Registration No.TN 21 BS 8888, Jaguar-XF, through the third respondent, who is a car dealer. The petitioner paid the entire sale consideration. Her name was also changed in the RC Book. Now, the second respondent wanted the petitioner to produce the car stating that the car was purchased from the proceeds of crime connected with Crime No.7 of 2022. The petitioner is an innocent and bonafide purchaser. She produced all the relevant documents through her husband. However, the second respondent is insisting on production of car.

3. In response, the learned Government Advocate (Crl.Side) submitted that



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one Harish, who is A14, in Crime No.7 of 2022 registered in connection with Aarudhra scam, is involved in cheating of Rs.2438 Crores. A14 purchased this car and it is apprehended that the car was purchased out of proceeds of crime. Later, A14 handed over the case to the third respondent for sale. In this background, the second respondent wanted the petitioner to appear for enquiry along with relevant documents. The petitioner's husband appeared for enquiry. The petitioner is required only for the purpose of enquiry in connection with the purchase of car and to verify whether she is a bonafide purchaser.

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 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 petitioner had complained of harassment



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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 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***



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*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.

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

**16.03.2023**

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Additional Superintendent of Police,  
Economic Offence Wing,  
Ashok Nagar, Chennai.

2. The Inspector of Police,  
Economic Offence Wing,  
Ashok Nagar, Chennai.

3.The Public Prosecutor  
Madras High Court.

**G.CHANDRASEKHARAN,J.**



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