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CrI.OP.No.6290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6290 of 2023

1.M.Pasupathy

2.M.Kanagarathina

... Petitioners

Vs.

1.The State rep by
The Assistant Commissioner,
Central Crime Branch,
District Police Office,
Tirupur.

2.The Sub-Inspector Central Crime Branch,
Central crime Branch,
District Police Office,
Tirupur.

3.Mohana Priya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 not to harass the petitioner on the guise of enquiry.



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For Petitioners : Mr.D.A.Sugumar
For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 not to harass the petitioner on the guise of enquiry.

2.It is the submission of the learned counsel for the petitioner that third respondent is daughter of petitioner's brother Rajendran. She gave complaint against the petitioner in connection with division of family property. On the basis of the said complaint, second respondent is harassing the petitioner on the guise of enquiry.

3.In response, the learned Government Advocate (Criminal Side) submitted that third respondent gave a complaint against the petitioner making allegations that petitioner created a bogus life certificate for third respondent's mother and sister when they are actually alive and tried to encumber the property. On the basis of the said complaint, petition enquiry in current paper No.793/22 dated 08.08.2022 is pending.



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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 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.



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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.

7.With the above observations and direction, the Criminal Original Petition stands disposed of.

20.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

- 1.The State rep by
The Assistant Commissioner,
Central Crime Branch,
District Police Office,
Tirupur.
- 2.The Sub-Inspector Central Crime Branch,
Central crime Branch,
District Police Office,
Tirupur.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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