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CrI.O.P.No.6620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

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

CrI.O.P.No.6620 of 2023

1. S.Ranjith Kumar @ Ranjith
2. S.Dinesh
3. S.Mahaveer

... Petitioners

Vs.

1. The Assistant Commissioner of Police,
Madhavaram Circle,
Chennai-600110.
2. The Inspector of Police (Crime),
M1-Madhavaram Police Station,
Chennai-600 110.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents not to harass the petitioners by asking them to come to the police station repeatedly, based on a false complaint.

For Petitioners : Mr.S.K.Masthan

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



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ORDER

This Criminal Original Petition has been filed directing the respondents not to harass the petitioners by asking them to come to the police station repeatedly, based on a false complaint.

2. It is the submission of the learned counsel for the petitioners that the petitioners are running gold shop in the name of “Sukenraj Mehta Gold House”. One Virandar is working under the petitioners. Virandar and his brother had stolen the gold jewels worth about Rs.1.52 Crores. They have executed a promissory note and there is also an agreement in this regard. However, the second respondent is unnecessarily harassing the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that one Ratan Patel gave a complaint against the petitioners stating that the petitioners had misappropriated gold jewels and extorting him to pay money. Both the sides have given complaints against each other and the enquiry is pending in Current Paper No.32 of 2023 dated 21.02.2023.



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4. Considered the submissions and perused the records.

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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 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.

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

24.03.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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Madhavaram Circle,
Chennai-600110.
2. The Inspector of Police (Crime),
M1-Madhavaram Police Station,
Chennai-600 110.
- 3.The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN,J.

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