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CrI.O.P.No.6614 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.6614 of 2023

G.Ravikumar

Proprietor

Swastha Ayurvedic Massage Centre

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commission of Police,
Coimbatore City,
Coimbatore.

2. The Inspector of Police,
C-1, Kattur Police Station, (Law and Order),
Kattur,
Coimbatore City,
Coimbatore.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere with or disturb the peaceful conduct of the petitioner's business offering health therapies under the name and style of SWASTHA (Ayurvedic Care & Spa) at, No.412, Dr.Nanjappa Road, Ramnagar, Coimbatore-18.



Crl.O.P.No.6614 of 2023

For Petitioner : Mr.G.Murali

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

ORDER

This Criminal Original Petition has been filed directing the second respondent not to harass the petitioner and consequently direct the respondents not to interfere with or disturb the peaceful conduct of the petitioner's business offering health therapies under the name and style of SWASTHA (Ayurvedic Care & Spa) at, No.412, Dr.Nanjappa Road, Ramnagar, Coimbatore-18.

2. The learned counsel for the petitioner submitted that the petitioner is offering health therapies under the name and style of SWASTHA (Ayurvedic Care & Spa) at, No.412, Dr.Nanjappa Road, Ramnagar, Coimbatore-18. The second respondent Police is unnecessarily interfering with the petitioner's business.

3. In response, the learned Government Advocate (Crl.Side) submitted that the petitioner gave a representation on 28.02.2023 and the enquiry is pending in Current Paper No.35/insc129013/p4/23 dated 08.03.2023.



CrI.O.P.No.6614 of 2023

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.



Crl.O.P.No.6614 of 2023

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. In the light of the above, this Court directs the second respondent to consider the petitioner's representation dated 28.02.2023 and pass appropriate orders in the manner known to law, within a period of two weeks from the date of receipt of a copy of this order.



Crl.O.P.No.6614 of 2023

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

WEB COPY

24.03.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
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To

1. The Commissioner of Police,
Office of the Commission of Police,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
C-1, Kattur Police Station, (Law and Order),
Kattur,
Coimbatore City,
Coimbatore.
3. The Public Prosecutor
Madras High Court.



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Crl.O.P.No.6614 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.6614 of 2023

24.03.2023