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Crl.O.P.No.6792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6792 of 2023

Mohan.M

... Petitioner

Vs.

1.The Commissioner of Police,
Veppery, Chennai.

2.The Assistant Commissioner of Police,
Tondairpet Range,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent police not to harass the petitioner herein.

For Petitioners : Mr.S.Suresh

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police not to harass the petitioner herein.

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2. Learned counsel for the petitioner submitted that, petitioner and three others namely V.Srinivasan, R.Subramani and S.Sarveshwaran started a business in the name of Viswa Gold testing Center Private Limited, by investing a sum of Rs.75,000/- each and later they also raised funds from financial institution. Thereafter, R.Subramani, Promoter Director left the company and gave a false complaint against the petitioner. On the basis of the complaint, respondent police is unnecessarily harassing the petitioner. Therefore, this petition is filed to direct the respondent police not to harass the petitioner, under the guise of enquiry.

3. In response, learned Government Advocate (Criminal side) submitted that, R.Subramani gave a complaint against the petitioner, alleging, falsification of accounts, criminal misappropriation and cheating, to the tune of Rs.35,00,000/-. On the basis of this complaint, enquiry is pending in CSR.No.80 of 2023.

4. Considered the submissions and perused the records.



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6. In the present case in hand, the petitioner has 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



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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 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.

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Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
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G.CHANDRASEKHARAN,J.

gd

To

- 1.The Commissioner of Police,
Veppery, Chennai.
- 2.The Assistant Commissioner of Police,
Tondairpet Range,
Chennai.
- 3.The Public Prosecutor
Madras High Court.

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