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Crl.OP.No.6987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6987 of 2023

Manikandan

... Petitioner

Vs.

1. State Rep by,
Assistant Commissioner of Police,
Ayanavaram Police Station,
Chennai.

2. The Inspector of Police,
Ayanavaram Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent herein not to harass the petitioner in any manner except by due process of law pursuant to representation dated 21.03.2023.

For Petitioner

: Mr.T.Muruganantham

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the 2nd respondent herein not to harass the petitioner in any manner except by due process of law pursuant to representation dated 21.03.2023.

2. The learned counsel for the petitioner submitted that petitioner availed loan facilities from M/s.Dimco Finance Pvt Ltd. Due to Covid-19 situations, petitioner was not able to pay his dues. Now, M/s.Dimco Finance Pvt. Ltd is harassing the petitioner through 2nd respondent. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, M/s. Dimco Finance Pvt Ltd., obtained arbitration award. When the staff members of M/s. Dimco Finance Pvt Ltd., tried to enforce the award by taking the petitioner's vehicle, he threatened them. In this regard, complaint was given. Based on the said complaint, enquiry was conducted in C.S.R.No.251 of 2022 and it is pending.



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4. Considering the facts and circumstances of the case, this Court directs the respondent police to follow the procedure established by law. It is also made clear that, in a private money transactions, police has no role to enforce the award, unless ordered by the Court to assist in enforcing the award sor any criminal offence is committed.

5. 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 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 summon/notice 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.

29.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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- To
1. The Assistant Commissioner of Police,
Ayanavaram Police Station,
Chennai.
 2. The Inspector of Police,
Ayanavaram Police Station,
Chennai.
 3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

Sma

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29.03.2023