



Crl.O.P.No.7402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7402 of 2023

1.S.Arul Kumar

2.E.Arul

...Petitioners

Vs.

The Inspector of Police,
Thanipadi Police Station,
Thanrampet Taluk,
Tiruvannamalai District.

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent Police not to harass the petitioners under the guise of enquiry and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Sreedhar

For Respondent : Mr.S.Santhosh
Government Advocate (crl.side)



WEB COPY



Crl.O.P.No.7402 of 2023

ORDER

This Criminal Original Petition has been filed to direct the respondent Police not to harass the petitioners under the guise of enquiry.

2.The learned counsel for the petitioners submitted that petitioners are unnecessarily harassed by the respondent Police on the basis of complaint given by one Janaki, therefore the petition.

3. In response, the learned Government Advocate (Criminal side) submitted that, Janaki gave a complaint against the petitioners alleging that as the collection agents of Bajaj Finance Limited, they had taken away the two wheeler which was purchased by one Sevaraman. Sevaraman entered into loan agreement with Bajaj Finance Limited and failed to repay the EMI. Therefore, they had taken away the two wheeler demanding him to pay the outstanding due. On the basis of the complaint given by Janaki, petition enquiry in C.No.2916 of 2023 dated 07.02.2023 is pending.



WEB COPY

4. Considered the rival submissions and perused the records.

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 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



Crl.O.P.No.7402 of 2023

person through a summon/notice 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.

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

05.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



WEB COPY

To

1. The Inspector of Police,
Thanipadi Police Station,
Thanrampet Taluk,
Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.



CrI.O.P.No.7402 of 2023



WEB COPY



Crl.O.P.No.7402 of 2023

G.CHANDRASEKHARAN, J.

ep

Crl.O.P.No.7402 of 2023

05.04.2023