



Crl.O.P.No.7411 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.7411 of 2023

Prabaharan

...Petitioner

Vs.

State Represented by

1.The Superintendent of Police
The Nilgiris District.

2.The Deputy Superintendent of Police,
Mount Pleasant Road, Coonoor,
The Nilgiris.

3.Inspector of Police,
Kotagiri Police Station,
Kotagiri, The Nilgiris.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd & 3rd respondents not to harass the petitioner and to pass such other or further orders as this Court may deem fit and proper under the circumstances of the above case and thus render justice.

For Petitioner

: Mr.K.Balasubramaniam

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



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ORDER

This Criminal Original Petition has been filed to direct the 2nd & 3rd respondents not to harass the petitioner.

2.The learned counsel for the petitioner submitted that based on the complaint given by one Gunasekaran, petitioner is unnecessarily harassed by the respondents. Petitioner is doing share trading business. Gunasekaran invested a sum of Rs.40,00,000/-. There is an agreement between petitioner and Gunasekaran to share the profit in the business. However, on the false complaint given by Gunasekaran, petitioner has been harassed by third respondent. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, Gunasekaran had given a complaint against the petitioner alleging that he gave a sum of Rs.40,00,000/- in the financial business conducted by the petitioner. Petitioner has not paid the invested amount nor the returns. On the basis of the complaint given by Gunasekaran, petition enquiry in C.S.R.No.36 of 2023 dated 12.02.2023 is pending.



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4. Considered the 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:



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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.

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



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To

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The Nilgiris District.
- 2.The Deputy Superintendent of Police,
Mount Pleasant Road, Coonoor,
The Nilgiris.
- 3.Inspector of Police,
Kotagiri Police Station,
Kotagiri, The Nilgiris.
- 4.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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