



WEB COPY



Crl.O.P.No.7414 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.7414 of 2023**

C.Jansirani ... Petitioner

Vs.

1.State by  
The Commissioner of Police,  
Office of the Commissioner of Police,  
Avadi, Chennai – 600 054.

2.The Assistant Commissioner of Police,  
Office of the Assistant Commissioner of Police,  
Redhills, Chennai – 600 052. ... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2<sup>nd</sup> respondent, The Assistant Commissioner of Police, Redhills not to harass the petitioner under the guise of enquiry without any notice.

For Petitioner ... Mr.M.Rebecca

For R1 & 2 ... Mr.S.Santhosh  
Government Advocate (crl.side)



Crl.O.P.No.7414 of 2023

**ORDER**

WEB COPY

This Criminal Original Petition has been filed to direct the 2<sup>nd</sup> respondent, The Assistant Commissioner of Police, Redhills not to harass the petitioner under the guise of enquiry without any notice.

2.It is the submission of learned counsel for the petitioner that based on the complaint given by one Gowridevi, petitioner is unnecessarily harassed by the respondent, therefore, this petition.

3. In response, the learned Government Advocate (Criminal side) submitted that, one Gowridevi gave a complaint against the petitioner stating that petitioner is running an unregistered chit and she invested a sum of Rs.30,00,000/-. Petitioner did not pay the invested amount nor the returns. On the basis of the complaint given by Gowridevi, petition enquiry in C.No.545/COP Avadi/2023 dated 10.03.2023 is pending.

4. Considered the submissions and perused the records.



WEB COPY

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 person through a summon/notice specifying a particular date and time for



Crl.O.P.No.7414 of 2023

appearing before them for such an enquiry/investigation.

WEB COPY

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



CrI.O.P.No.7414 of 2023

WEB COPY

To

1.State by

The Commissioner of Police,  
Office of the Commissioner of Police,  
Avadi, Chennai – 600 054.

2.The Assistant Commissioner of Police,  
Office of the Assistant Commissioner of Police,  
Redhills, Chennai – 600 052.

3.The Public Prosecutor,  
High Court, Madras.



WEB COPY



Crl.O.P.No.7414 of 2023

**G.CHANDRASEKHARAN, J.**

ep

**Crl.O.P.No.7414 of 2023**



WEB COPY



CrI.O.P.No.7414 of 2023

**05.04.2023**