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Crl.O.P.No.7576 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7576 of 2023

1.R.Poornapriya

2.M.Paramanandhan

...Petitioners

Vs.

1.The Commissioner of Police,
Coimbatore,
Coimbatore district.

2.The Inspector of Police,
District Crime Branch,
Commissioner Office Building,
Coimbatore district.

3.J.NirmalaXaviourJohny

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondents 1 & 2 not to harass the petitioner in respect of the dispute except in accordance with law and grant such other relief may deem fit and proper under the circumstances of the case and thus render justice.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mr.S.Santhosh(For R1 & R2)



Crl.O.P.No.7576 of 2023

Government Advocate (crl.side)

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ORDER

This Criminal Original Petition has been filed to direct the respondents 1 & 2 not to harass the petitioners in respect of the dispute except in accordance with law

2.The learned counsel for the petitioners submitted that on the basis of the complaint given by third respondent, in connection with money transaction, the second respondent is unnecessarily harassing the petitioners. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, third respondent gave a complaint against the petitioners alleging that petitioners received Rs.25,00,000/-, but that has not been repaid. On the basis of the complaint given by third respondent, petition enquiry in Current paper.No.30/Gen/OSP/DCB/CBE/2023 dated 30.01.2023 is pending.

4. Considered the submissions and perused the records.



Crl.O.P.No.7576 of 2023

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 petitioners had 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.7576 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.

10.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



CrI.O.P.No.7576 of 2023

WEB COPY

To

- 1.The Commissioner of Police,
Coimbatore,
Coimbatore district.
- 2.The Inspector of Police,
District Crime Branch,
Commissioner Office Building,
Coimbatore district.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.7576 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.7576 of 2023

10.04.2023