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CrI.O.P.No.8018 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.8018 of 2023

Ramesh

... Petitioner

Vs.

The State rep. by its
Sub-Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the respondent police not to harass the petitioner under the guise of enquiry in the matter that has been already disposed off by the direction of this Court.

For Petitioner : Mr.N.A.Ravindran

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry in the matter that has been already disposed of by the direction of this Court.



Crl.O.P.No.8018 of 2023

2. The learned counsel for the petitioner submitted that one Balakrishnan, who is well acquainted with the petitioner for two decades, had earned pelf money and entrusted the money to the petitioner. There were monetary transactions between the petitioner and the said Balakrishnan and that the petitioner is not due to make any payment to him. The learned counsel further submitted that the said Balakrishnan had earlier given a complaint which was closed; and that for the very same cause of action, he has given a fresh complaint to the respondent police. The respondent police at the behest of Balakrishna are frequently sending police men to the house of the petitioner at odd times and called him for enquiry. Hence, he filed this petition.

3. The learned Government Advocate (Crl.Side), on instructions would submit that enquiry is pending in C.No.20/DCB/TVM/2023 dated 11.01.2023 on the file of the respondent Police. However, the respondents would not harass the petitioner and they would follow the procedures prescribed under law.



Crl.O.P.No.8018 of 2023

4. In view of the same, the respondent shall act in accordance with law and shall not harass the petitioner. If the respondent Police intends to conduct an enquiry, they shall follow the following guidelines:

“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 written summon under Section 160 Cr.P.C., 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



WEB COPY



Crl.O.P.No.8018 of 2023

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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

5. With the above observations, the Criminal Original Petition is allowed.

12.04.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
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Crl.O.P.No.8018 of 2023

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To

1.The State rep. by its
Sub-Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.8018 of 2023

SUNDER MOHAN, J.

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Crl.O.P.No.8018 of 2023

12.04.2023