



Crl.O.P.No.8444 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 18.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.8444 of 2023**

K.Thasthagir

...Petitioner

**Vs.**

1.State by The Commissioner of Police,  
Office of the Commissioner of Police,  
Vepery, Chennai – 600 008.

2.The Inspector of Police,  
(Crime Branch)  
P-6 Kodungaiyur Police Station,  
Chennai – 600 118.

...Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2<sup>nd</sup> respondent, The Inspector of Police, (Crime Branch), P-6, Kodungaiyur Police Station, not to harass the petitioner under the guise of enquiry without any notice.

For Petitioner : Mr.M.Duraimurugan

For Respondents : Mr.S.Santhosh(For R1 & R2)  
Government Advocate (crl.side)



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**ORDER**

This Criminal Original Petition has been filed to direct the 2<sup>nd</sup> respondent, The Inspector of Police, (Crime Branch), P-6, Kodungaiyur Police Station, not to harass the petitioner under the guise of enquiry without any notice.

2.The learned counsel for the petitioner submitted that on the basis of false complaint given by one Ravi, petitioner is unnecessarily harassed by the second respondent. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that Ravi gave a complaint against the petitioner alleging that petitioner received a sum of Rs.2,00,000/- on the promise of getting house allotment from the Tamil Nadu Housing Board. Thereafter, petitioner has not taken steps for allotment of house. On the basis of complaint given by Ravi, petition enquiry in C.S.R.No.439 of 2023 is pending.

4.Considered the submissions and perused the records.



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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



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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.

**18.04.2023**

Index: Yes/No  
Speaking/Non speaking order  
ep



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- To
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  - 2.The Inspector of Police,  
(Crime Branch)  
P-6 Kodungaiyur Police Station,  
Chennai – 600 118.
  - 3.The Public Prosecutor,  
High Court, Madras.



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**G.CHANDRASEKHARAN, J.**

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