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Crl.O.P.No.8978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8978 of 2023

1.P.R.Panchatcharam

2.P.P.Baskar

...Petitioners

Vs.

1.The District Superintendent of Police,
Tiruvallur District,
Tiruvallur – 602 001.

2.The Sub-Inspector of Police,
Anti-Land Grabbing Special Wing,
O/o. The District Superintendent of Police,
Tiruvallur District,
Tiruvallur – 602 001.

3.Nirmala

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent, not to harass the petitioners under the guise of enquiry pursuant to the summons, dated 08.04.2023, pertaining to C.No.187/DSP/ALGSC/TVLR/2023 and the petitioners are ready and willing to co-operate with the 2nd respondent for enquiry in accordance



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with law.

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For Petitioners : Mr.R.Munuswamy

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent, not to harass the petitioners under the guise of enquiry pursuant to the summons, dated 08.04.2023, pertaining to C.No.187/DSP/ALGSC/TVLR/2023 and the petitioners are ready and willing to co-operate with the 2nd respondent for enquiry in accordance with law.

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

3.In response, the learned Government Advocate (Criminal side) submitted that third respondent is the wife of Balasubramaniam.



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Balasubramaniam is the owner of the disputed property and the said Balasubramaniam executed a power of attorney deed in favour of first petitioner P.R.Panchatcharam. After the death of Balasubramaniam, first petitioner executed a settlement deed in favour of his son Baskaran. Challenging the execution of settlement deed, she gave complaint. On the basis of complaint given, current paper enquiry in C.No.187 of 2023 is pending.

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:

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**



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Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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8. With the above directions, this Criminal Original Petition is disposed of.

25.04.2023

Index: Yes/No

Speaking/Non speaking order

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To

1.The District Superintendent of Police,
Tiruvallur District,
Tiruvallur – 602 001.

2.The Sub-Inspector of Police,
Anti-Land Grabbing Special Wing,
O/o. The District Superintendent of Police,
Tiruvallur District,
Tiruvallur – 602 001.

3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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