



WEB COPY



Crl.O.P.No.9242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

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

Crl.O.P.No.9242 of 2023

Subakar

... Petitioner

Vs.

The Inspector of Police,
Pollachi East Police Station,
Pollachi, Coimbatore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner under the pretext of enquiry and registering false case.

For Petitioner : Mr.S.Saravanan
For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed directing the respondent not to harass the petitioner under the pretext of enquiry and registering false case.

2. The learned counsel for the petitioner submitted that the petitioner is



Crl.O.P.No.9242 of 2023

unnecessarily harassed by the respondent, in connection with the criminal case, in which the petitioner has no connection. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.Side) submitted that there is no petition enquiry or FIR pending against the petitioner. However, the proceeding under Section 110 Cr.P.C is pending against the petitioner. On the basis of the proceeding, the enquiry is pending in Crime No.168 of 2014.

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



Crl.O.P.No.9242 of 2023

be the same to the police officer.

WEB COPY

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 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.



Crl.O.P.No.9242 of 2023

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

WEB COPY

26.04.2023

Index:Yes/No

Speaking/Non speaking order

mn

To

1. The Inspector of Police,
Pollachi East Police Station,
Pollachi, Coimbatore District.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9242 of 2023

G.CHANDRASEKHARAN.J.,

mn

Crl.O.P.No.9242 of 2023

26.04.2023