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CrI.O.P.No.9663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

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

CrI.O.P.No.9663 of 2023

Kumaraguru Seshadri
Director of Big Laundry Services Private Limited ... Petitioner

Vs.

1. State by the Superintendent of Police,
Erode,
Office of the Superintendent of Police,
Erode District.

2. The Inspector of Police,
Erode Town Police Station,
Erode District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent, The Inspector of Police, Erode Town Police Station, Erode District not to harass the petitioner under the guise of the enquiry without any sufficient cause.

For Petitioner : Mr.M.Duraimurugan

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



Crl.O.P.No.9663 of 2023

ORDER

This Criminal Original Petition has been filed directing the second respondent, The Inspector of Police, Erode Town Police Station, Erode District not to harass the petitioner under the guise of the enquiry without any sufficient cause.

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

3. In response, the learned Government Advocate (Crl.Side) submitted that one Chandran gave a complaint alleging that the petitioner availed a sum of Rs.25,00,000/- and then cheated him. On the basis of the complaint, the enquiry is pending in E.No.4505700/2023.

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



Crl.O.P.No.9663 of 2023

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.



Crl.O.P.No.9663 of 2023

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.

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

28.04.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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CrI.O.P.No.9663 of 2023

To

WEB COPY

1. The Superintendent of Police,
Erode,
Office of the Superintendent of Police,
Erode District.
2. The Inspector of Police,
Erode Town Police Station,
Erode District.
3. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.9663 of 2023

Crl.O.P.No.9663 of 2023

28.04.2023