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CrI.O.P.No.9801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

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

CrI.O.P.No.9801 of 2023

S.V.Pandurangan

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Anti-Land Grabbing Special Cell,
Office of the Deputy Superintendent of Police,
Mayiladuthurai 609 001.

2. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Office of the Deputy Superintendent of Police,
Mayiladuthurai 609 001.

3. K.Jayaraman

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable directions to the first and second respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.R.Rajan

For Respondents

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



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ORDER

This Criminal Original Petition has been filed to issue suitable directions to the first and second respondents not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that the petitioner sold his land to the third respondent. After purchase, the third respondent gave a false complaint alleging that there is a forgery in the extent of land sold to the third respondent. On the basis of the complaint, the petitioner is unnecessarily harassed by the respondents 1 and 2. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.side) submitted that the third respondent gave a complaint against the petitioner alleging forgery in the extent of land which was sold to him. On the basis of the complaint, the enquiry is pending in C.No.3106/SP/C3/MLD/2023 dated 14.03.2023.

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 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.



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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.

8. The matter *prima facie* appears to be a civil dispute. Therefore, the respondents are directed not to interfere with the civil dispute. Accordingly, this Criminal Original Petition is disposed of.

28.04.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
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To

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Office of the Deputy Superintendent of Police,
Mayiladuthurai 609 001.
2. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Office of the Deputy Superintendent of Police,
Mayiladuthurai 609 001.
3. The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN,J.

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