



CrI.O.P.No.13043 of 2023

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

**DATED : 13.06.2023**

**CORAM**

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

**CrI.O.P.No.13043 of 2023**

Velmurugan

...

Petitioner

VS

The Inspector of Police,  
N1 Royapuram police Station,  
Kalmandapam, Royapuram,  
Chennai, Tamil Nadu - 600 013.

...

Respondent

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent not to harass the petitioner under the guise of enquiry as per the representation letter dated 21.05.2023.

For Petitioner

...

Mr.Gokula Rao

For Respondent

...

Mr.Leonard Arul Joseph Selvam  
Government Advocate (crl.side)

**ORDER**



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This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner under the guise of enquiry as per the representation letter dated 21.05.2023.

2. Learned counsel for the petitioner submitted that, petitioner is one of the partners in Leo Infrastructures. Suresh, who is also a partner gave a complaint against the petitioner and on the basis of the complaint, respondents are unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, Suresh who is one of the partner in Leo Infrastructures gave a complaint against the petitioner, alleging that, he invested a sum of Rs.56,00,000/- in the partnership firm. When the partnership firm had failed, he sought return of his amount. The cheque issued by the petitioner for return of amount was dishonoured. Suresh was paid only a sum of Rs.7,00,000/- and a sum of Rs.49,00,000/- remain to be paid. Therefore, he gave a complaint against the petitioner. On the basis of the complaint, respondents is conducting enquiry.

4. Considered the submissions and perused the records.



5. It appears from the submissions that, there was a partnership agreement between the petitioner and defacto complainant and due to failure in partnership business, it appears that, there is some amount liable to be paid to the defacto complainant. It is purely a business transaction. Therefore, respondent is directed to enquire, only if it seems necessary in a civil monetary dispute. If the respondents find that, enquiry is necessary, procedure established by law has to be followed in conducting enquiry.

6. 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.

7. 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



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may not be the same to the police officer.

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

**13.06.2023**

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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**G.CHANDRASEKHARAN, J.**

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To

1.The Inspector of Police,  
N1 Royapuram police Station,  
Kalmandapam, Royapuram,  
Chennai, Tamil Nadu - 600 013.

2.The Public Prosecutor,  
High Court, Madras.

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