



Crl.O.P.No.12501 of 2023

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

**DATED: 06.06.2023**

**CORAM:**

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

**Crl.O.P.No.12501 of 2023**

Jeffin Meishak

...Petitioner

**Vs.**

1.The State represented by  
The Commissioner of Police,  
Tambaram Police Commissionerate,  
Chennai.

2.The Inspector of Police,  
Central crime branch,  
Document & Forgery Wing,  
Thambaram city police,  
Sholinganallur,  
Chennai.

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police officials not to harass the petitioners under the guise of enquiry.

For Petitioner : Mr.J.Joseph Zinoson

For Respondents : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Criminal side)



Crl.O.P.No.12501 of 2023

**ORDER**

This Criminal Original Petition is filed to direct the respondent police officials not to harass the petitioners under the guise of enquiry.

2. It is the submission of the learned counsel for the petitioner that, on the basis of the complaint given by one Sweetha Gunda, respondent police is unnecessarily harassing the petitioner. Therefore, petitioner filed this petition for directing the respondent police not to harass the petitioner on the guise of enquiry.

3. In response, learned Government Advocate (Criminal side) submitted that, Sweetha Gunda gave a complaint against the petitioner alleging that, petitioner was paid a sum of Rs.50,00,000/- for supply of mask and sanitizor, during COVID-19 period. However, petitioner has neither supplied the goods nor returned the amount paid by the defacto complainant. Therefore, on the basis of the complaint given by Sweetha Gunda, petitioner enquiry is pending.

4. Considered the submissions and perused the records.



Crl.O.P.No.12501 of 2023

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.



Crl.O.P.No.12501 of 2023

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.

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

**06.06.2023**

Internet :Yes  
Index :Yes/No  
gd



WEB COPY



Crl.O.P.No.12501 of 2023

To:

- 1.The Commissioner of Police,  
Tambaram Police Commissionerate,  
Chennai.
- 2.The Inspector of Police,  
Central crime branch,  
Document & Forgery Wing,  
Thambaram city police,  
Sholinganallur,  
Chennai.
- 3.The Public Prosecutor,  
High Court of Madras.



WEB COPY



*Crl.O.P.No.12501 of 2023*

**G.CHANDRASEKHARAN, J.**  
gd

Crl.O.P.No.12501 of 2023

06.06.2023