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Crl.O.P.No.12644 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

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

Crl.O.P.No.12644 of 2023

1. Karthiban
2. Purusothaman

... Petitioners

Vs.

State represented by its

1. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
DCB (Money Laundering Cell) Police Station,
Villupuram District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction to second respondent not to harass the petitioners for enquiry intended for the above mentioned alleged offence.

For Petitioners : Mr.G.Mohammed Aseef

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

ORDER



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This Criminal Original Petition has been filed directing the second respondent not to harass the petitioners for enquiry intended for the above mentioned alleged offence.

2. The learned counsel for the petitioners submitted that on the basis of the complaint given by one Premkumar against one Kanimozhi and her brother, the petitioners are unnecessarily harassed by the second respondent. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.side) submitted that one Premkumar gave a complaint against one Kanimozhi and her brother alleging that they are running a chit business and they received a sum of Rs.76,00,000/- from various persons. Through the petitioner, the said Kanimozhi received the amount from the defacto complainant. On the basis of the complaint given by the said Premkumar, the enquiry is pending in C.No.1512/562/sp/vpm/2023, C.No.10374/2532/sp/vpm/2023 and in C.No.12192/3017/sp/vpm/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 petitioners have 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



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

07.06.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
DCB (Money Laundering Cell) Police Station,
Villupuram District.
3. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.

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