



WEB COPY



CrI.O.P.No.12912 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.12912 of 2023

K.KrishnaRaju

...

Petitioner

VS

1.The Commissioner of police,
#132, Commissioner Office Building,
Vepery, Chennai - 600 003.

2.The State represented by,
The Inspector of Police (Crime),
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondents not to harass the petitioner in the Blanket of enquiry in the C.S.R.239 of 2020.

For Petitioner

...

Mr.L.Infant Dinesh

For Respondents

...

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



CrI.O.P.No.12912 of 2023

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondents not to harass the petitioner in the Blanket of enquiry in the C.S.R.239 of 2020.

2. Learned counsel for the petitioner submitted that, on the basis of the complaint given by John Siju, respondents are unnecessarily harassing the petitioner. Thus, this petition.

3. In response, learned Government Advocate (Criminal side) submitted that, John Siju gave a complaint against the petitioner, alleging that, petitioner was working as a Manager under him in Needed Global Tech Solutions Pvt Ltd company. After 2019, petitioner stopped contacting the office and on verification, it was found that, petitioner transferred a sum of Rs.15,00,000/- to his wife. Therefore, John Siju gave a complaint and on the basis of the complaint, petitioner enquiry pending.

4. Considered the submissions and perused the records.

5. This Court, exercising its power under Section 482 of the Criminal



CrI.O.P.No.12912 of 2023

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



CrI.O.P.No.12912 of 2023

the CSR number, date of complaint and the name of the complainant.

WEB COPY

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.

13.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd



CrI.O.P.No.12912 of 2023

WEB COPY

To

- 1.The Commissioner of police,
#132, Commissioner Office Building,
Vepery, Chennai - 600 003.
- 2.The State represented by,
The Inspector of Police (Crime),
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.12912 of 2023

G.CHANDRASEKHARAN, J.

gd

Crl.O.P.No.12912 of 2023

13.06.2023