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Crl.O.P.No.12770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12770 of 2023

1.Ayyam Pillai

2.Jaya Ayyam Pillai

...Petitioners

Vs.

1.The Commissioner of Police,
Tambaram City,
Tambaram,
Chennai – 600 058.

2.The Inspector of Police, (Crime)
T-19, Kelambakkam Police Station,
Chennai.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent herein viz the Inspector of Police, T-19, Kelambakkam Police Station, Chennai, not to harass the petitioners for any longer in future at the instance and instigation of the said Raja and others.

For Petitioners : Mr.V.Selvaraj

For Respondents :Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1 & R2)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent herein viz the Inspector of Police, T-19, Kelambakkam Police Station, Chennai not to harass the petitioners for any longer in future at the instance and instigation of the said Raja and others.

2.The learned counsel for the petitioners submitted that on the basis of the complaint given by one Raja, petitioners are unnecessarily harassed by the respondents. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, Raja gave a complaint against the petitioners alleging that petitioners borrowed a sum of Rs.9,00,000/-, and then failed to return the money. Petitioners promised to repay the money in installments and that promise was not honoured. On the basis of the complaint given by Raja, petition enquiry in C.S.R.No.342 of 2023 is pending.

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 had 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



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appearing before them for such an enquiry/investigation.

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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.

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Index: Yes/No
Speaking/Non speaking order
ep



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To

- 1.The Commissioner of Police,
Tambaram City,
Tambaram,
Chennai – 600 058.
- 2.The Inspector of Police, (Crime)
T-19, Kelambakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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