



Crl.OP.No.12920 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12920 of 2023

1.Parveen Banu
2.Yasmine Parina

... Petitioners

Vs.

The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur,
Chennai District – 600 118.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner in C.S.R.No.836 of 2023 and 837 of 2023 pending on the file of the respondent police.

For Petitioners
For Respondent

: Mr.U.Vinoth Kumar
: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry.



Crl.OP.No.12920 of 2023

2. The learned counsel for the petitioners submitted that, petitioners are unnecessarily harassed by the respondent on the complaint given by Abdul Gafoor and Abdul Rahman.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioners are owners of property and it was leased to Abdul Gafoor and Abdul Rahman by separate lease agreement. It was agreed that, Rs.12,00,000/- shall be paid to the 1st petitioner by the Abdul Gafoor and Rs.8,00,000/- shall be paid to the 2nd petitioner by Abdul Rahman towards lease amount. Thereafter, when Abdul Gafoor and Abdul Rahman demanded return of lease amount, petitioners repaid a Rs.15,30,000/- and they refused to repay the sum of Rs.4,70,000/- and the loan amount of Rs.3,00,000/-. Therefore, they gave a complaint against the petitioners. On the basis of the complaint, C.S.R.No.836 of 2023 and 837 of 2023 are pending against the petitioners.

4. It is the grievance of the petitioners that the respondent police has been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.



Crl.OP.No.12920 of 2023

5. 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.

6. 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.



Crl.OP.No.12920 of 2023

WEB COPY

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.

7. With the above observations and direction, the Criminal Original Petition stands disposed of.

12.06.2023

Internet : Yes / No
Index : Yes / No
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Crl.OP.No.12920 of 2023

1. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur,
Chennai District – 600 118.

2. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.12920 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.12920 of 2023

12.06.2023