



Crl.OP.No.13484 of 2023

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

**DATED: 16.06.2023**

**CORAM**

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

**Crl.O.P.No.13484 of 2023**

A.C.Ramesh

... Petitioner

Vs.

1. The District Superintendent of Police,  
Villupuram District,  
Villupuram.

2. The Inspector of Police,  
District Crime Branch,  
Villupuram.

3.T.K.Balasubramani

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C.,  
to direct the first and second Respondents not to harass the petitioner under the  
guise of the enquiry.

For Petitioner  
For Respondent

: Mr.C.Munusamy  
: Mr.Leonard Arul Joseph Selvam  
Government Advocate(Crl.side)



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## **ORDER**

This Criminal Original Petition has been filed to direct the first and second Respondents not to harass the petitioner under the guise of the enquiry.

2. The learned counsel for the petitioner submitted that, petitioner purchased a property on 14.05.1998. Later in the year 2003, an extent of 900 square feet was sold to one T.K.Balasubramani/ 3<sup>rd</sup> respondent. Since, there was some error in the sale deed, rectification deed was executed. Thereafter, 3<sup>rd</sup> respondent gave a complaint against the petitioner alleging that the petitioner had sold lesser extent of property and further allegation that the petitioner had no complete right in the property and he had sold poramboke land. That complaint was closed. Thereafter, again 3<sup>rd</sup> respondent gave a complaint before the Anti Land Grabbing Cell, Villupuram. On the basis of this complaint, petitioner is unnecessarily harassed by the respondent police.



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3. In response, learned Government Advocate (Crl. Side) submitted that, out of 900 sq.ft sold by the petitioner, patta was issued for 280 sq.ft and the remaining extent belongs to the Government Poramboke land. Therefore, 3<sup>rd</sup> respondent gave a complaint against the petitioner. On the basis of the complaint given by the 3<sup>rd</sup> respondent, CSR enquiry is pending.

4. It is the grievance of the petitioner 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.

5. 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 petitioner may not be the same to the police officer.



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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.

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.



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With the above observations and direction, the Criminal Original

Petition stands disposed of.

**16.06.2023**

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The District Superintendent of Police,  
Villupuram District,  
Villupuram.
2. The Inspector of Police,  
District Crime Branch,  
Villupuram.
3. The Public Prosecutor,  
High Court of Madras, Chennai.



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**G.CHANDRASEKHARAN,J.**

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