



Crl.O.P.No.13290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13290 of 2023

Singaram

...Petitioner

Vs.

1.The Deputy Commissioner of Police,
Semmenchery District
Chengalpet District.

2.The Inspector of Police,
Kannagi Nagar Police Station,
Chennai

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner in respect of complaint lodged by him on 09.05.2023.

For Petitioner : Mr.A.Karthikeyan

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner in respect of complaint lodged by



Crl.O.P.No.13290 of 2023

him on 09.05.2023.

WEB COPY

2.The learned counsel for the petitioner submitted that on the basis of false complaint given by one Palanisamy, second respondent is unnecessarily harassing the petitioner. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, petitioner and Palanisamy entered into a joint vendor agreement in which there is some dispute with regard to sharing of the six flats constructed. On the basis of the complaint, petition enquiry in CS.R.No.340 of 2023 dated 11.05.2023 is pending.

4. Considered the submissions and perused the records.

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



CrI.O.P.No.13290 of 2023

investigation is brought to its notice.

WEB COPY

6. In the present case in hand, the petitioner 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 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



Crl.O.P.No.13290 of 2023

diary/station diary/daily diary of the police station.

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.

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

15.06.2023

Index: Yes/No
Speaking/Non speaking order
ep



Crl.O.P.No.13290 of 2023

WEB COPY

To

1.The Deputy Commissioner of Police,
Semmenchery District
Chengalpet District.

2.The Inspector of Police,
Kannagi Nagar Police Station,
Chennai

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.13290 of 2023

G.CHANDRASEKHARAN, J.

ep

Crl.O.P.No.13290 of 2023



WEB COPY



Crl.O.P.No.13290 of 2023

15.06.2023