



WEB COPY



Crl.O.P.No.13295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13295 of 2023

B.T.Udayasurayan

...

Petitioner

VS

The State represented by its,
The Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent not to harass the petitioner in the name of enquiry in C.No.H2/1734/SP(G)/KGI/2023 dated 02.06.2023. C.No.108/DCB/SP(G)/KGI/2023, dated 02.06.2023.

For Petitioner

...

Mr.V.Elangovan

For Respondent

...

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



Crl.O.P.No.13295 of 2023

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner in the name of enquiry in C.No.H2/1734/SP(G)/KGI/2023 dated 02.06.2023, C.No.108/DCB/SP(G)/KGI/2023, dated 02.06.2023.

2. Learned counsel for the petitioner submitted that, petitioner was allotted a land under lease from SIPCOT. Petitioner's wife was running oil company in the name of Shree Durgai Lubes. Subsequently, petitioner's wife entered into lease agreement with one Murali. Murali was running business in the name of M/s.MMs Xpress at Mullai Nagar, Pochampalli Taluk, Krishnagiri District. The said Murali indulged illegal storing of PDS rice. Therefore, criminal case was registered against him. Murali gave a sum of Rs.25,00,000/- to the petitioner's wife for transferring the lease hold rights. Claiming that the amount was not returned, deceased Murali's wife Sathya gave a complaint against the petitioner. He further submitted that, both parties have given a letter to SIPCOT for cancelling the licence. Pending the letter, defacto complainant has given a false complaint. Based on the complaint given by Sathya, respondent police is unnecessarily



Crl.O.P.No.13295 of 2023

harassing the petitioner.

WEB COPY

3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by Sathya, for return of money, petitioner enquiry is pending.

4. In reply, learned counsel for the petitioner submitted that, petitioner already appeared for enquiry and gave a reply on 06.02.2023. Even thereafter, respondent police is unnecessarily harassing the petitioner to come for enquiry.

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 investigation is brought to its notice.



WEB COPY

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 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.13295 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.

13.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd



WEB COPY



Crl.O.P.No.13295 of 2023

G.CHANDRASEKHARAN, J.

gd

To

1.The Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13295 of 2023

13.06.2023