



Crl.OP.No.13545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13545 of 2023

1.Dilsath

2. Arif

... Petitioners

Vs.

1. The Commissioner of Police,
Salem City,
Salem.

2. The Inspector of Police,
Alagapuram Police Station,
Salem City.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second Respondent not to harass the petitioners except due process of law pursuant to the 1st petitioner's representation dated 10.06.2023.

For Petitioners

: Mr.M.Subash

For Respondent

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



Crl.OP.No.13545 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the second Respondent not to harass the petitioners except due process of law pursuant to the 1st petitioner's representation dated 10.06.2023.

2. The learned counsel for the petitioners submitted that, 2nd respondent is unnecessarily harassing the petitioners in connection with money dealings. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Suseela gave a complaint against the petitioners alleging that, petitioners borrowed a sum of Rs.2 lakhs from her, however, they failed to repay the amount. Based on the said complaint, CSR enquiry is pending.

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.

5. In the present case in hand, the petitioners have complained of



CrI.OP.No.13545 of 2023

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.

d) The police officer shall refrain himself or herself from harassing



Crl.OP.No.13545 of 2023

persons called upon for enquiry/investigation.

WEB COPY

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.

20.06.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
Sma

To

4/6



Crl.OP.No.13545 of 2023

1. The Commissioner of Police,
Salem City,
Salem.
2. The Inspector of Police,
Alagapuram Police Station,
Salem City.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

Sma



WEB COPY



Crl.OP.No.13545 of 2023

Crl.O.P.No.13545 of 2023

20.06.2023