



WEB COPY



CrI.OP.No.13690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.13690 of 2023

1.Srivatsava

2. Aruna Patil

... Petitioners

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
State Bank Road,
Coimbatore – 641 018.

2. The Deputy Superintendent of Police,
Officer of the Deputy Superintendent of Police,
Bharath Bhavan Road,
Dasampalayamm, Mettupalayam,
Coimbatore – 641 301.

3. The Inspector of Police,
District Crime Branch,
Coimbatore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 3rd respondent police not to harass the petitioners without
following the due process of law.

For Petitioners

: Mr.M.Murugan



WEB COPY



Crl.OP.No.13690 of 2023

For Respondent

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

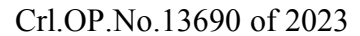
ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent police not to harass the petitioners without following the due process of law.

2. The learned counsel for the petitioners submitted that, on the basis of the complaint given by one Sethu Kumar in connection with the business transaction, 2nd respondent police is harassing the petitioners.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Sethu Kumar gave a complaint against the petitioners stating that, petitioners received a sum of Rs.25 lakhs in connection with a business transaction. Later, petitioners refused to return the said sum, but they issued a cheque for Rs.10 lakhs, however, the same was returned as dishonored. Thus, alleging of cheating, she gave a complaint, on that basis, 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 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



Crl.OP.No.13690 of 2023

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.

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



WEB COPY



Crl.OP.No.13690 of 2023

Sma

Crl.O.P.No.13690 of 2023

20.06.2023