



WEB COPY



Crl.O.P.No.13839 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13839 of 2023

Charles Arokiyaraj

...Petitioner

Vs.

1.The Superintendent of Police,
Nagapattinam District.

2.The State by Inspector of Police,
District Crime Branch,
Nagapattinam District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent not to harass the petitioner on the complaint given by Deivanai wife of Venkatesan.

For Petitioner : Mr.K.C.Karl Marx

For Respondents :Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1 and R2)

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner on the complaint given by Deivanai



Crl.O.P.No.13839 of 2023

wife of Venkatesan.

WEB COPY

2.The learned counsel for the petitioner submitted that on the basis of complaint given by Deivanai alleging cheating in money transaction, respondents are unnecessarily harassing the petitioner. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, Deivanai gave a complaint against the petitioner alleging that she along with others invested a sum of Rs.3,22,15,000/- to the petitioner's logistics called Mars Traders doing imports and exports on the promise of 12.5% interest on the amount invested. However, Petitioner has not paid interest amount and principal. Therefore, the complaint was given. On the basis of the complaint, petition enquiry in C.S.R.No.285/DCB/NGT/2022 is pending.

4. Considered the submissions and perused the records.



WEB COURT

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.

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.



Crl.O.P.No.13839 of 2023

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.

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

22.06.2023

Index: Yes/No
Speaking/Non speaking order
ep



Crl.O.P.No.13839 of 2023

WEB COPY

To

- 1.The Superintendent of Police,
Nagapattinam District.
- 2.The State by Inspector of Police,
District Crime Branch,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.13839 of 2023

G.CHANDRASEKHARAN, J.

ep

Crl.O.P.No.13839 of 2023

22.06.2023