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Crl.O.P.No.13794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13794 of 2023

1.Manikandan
2.Kotteswaran Varadappan ... Petitioners

VS

1.The Sub-Inspector of Police,
Avadi Police Station (T-6),
Avadi,
Chennai – 600 054.

2.Mohan ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 1st respondent police, not to harass the petitioners.

For Petitioner	...	Mr.J.Ravi Shankar
For R-1	...	Mr.Leonard Arul Joseph Selvam
		Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent police, not to harass the petitioners.



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2. Learned counsel for the petitioners submitted that, on the basis of the complaint given by the 2nd respondent, in connection with a purchase of plot from the petitioners, 1st respondent is unnecessarily harassing the petitioners. Therefore, this petition.

3. In response, learned Government Advocate (Criminal side) submitted that, 2nd respondent purchased a plot from the petitioners. The plot number was missing from the Sale Deed. When it was informed to the petitioners, they promised to rectify the Sale Deed. Later, it was found that, the plot sold to 2nd respondent was already sold to a third party.

4. Mr.S.Sasikumar, learned counsel appearing for the 2nd respondent, though not filed vakalat, submitted that, he was cheated by selling a property to him, which was already sold to a third party.

5. Considered the submissions and perused the records.



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6. 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.

7. 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.

8. 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.



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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.

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

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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To

1. The Sub-Inspector of Police,
Avadi Police Station (T-6),
Avadi,
Chennai – 600 054.
2. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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