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Crl.O.P.No.14469 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14469 of 2023

1.A.Mohanasundaram

2.K.M.Srinivasan

...Petitioners

Vs.

1.The State Represented by
The Sub-Inspector of Police,
District Crime Branch (DCB)
Tiruvallur District, Tiruvallur – 602 001.

2.Ramesh

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent not to harass the petitioners under the guise of enquiry pursuant to the summons, dated 29.05.2023 pertaining to C.No.61/DCB/DSP/TVLR/2023, dated 10.02.2023.

For Petitioner : Mr.R.Munuswamy

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

ORDER

This Criminal Original Petition has been filed to direct the



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respondent not to harass the petitioners under the guise of enquiry pursuant

to the summons, dated 29.05.2023 pertaining to C.No.61/DCB/DSP/TVLR/2023, dated 10.02.2023.

2.The learned counsel for the petitioners submitted that petitioners are unnecessarily harassed by the first respondent, on the basis of the false complaint given by the second respondent in connection with the business transaction. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, there is a business transaction between petitioner and second respondent in developing a land of the petitioners. In the said transaction, second respondent alleged that petitioners are liable to pay Rs.4,00,000/- and did not pay the amount. On the basis of the enquiry, petition enquiry in C.No.61/DCB/DSP/TVLR/2023, dated 10.02.2023 is pending.

4.Considered the submissions and perused the records.



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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 petitioners 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



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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 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.

28.06.2023

Index: Yes/No
Speaking/Non speaking order
ep



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To

1.The State Represented by
The Sub-Inspector of Police,
District Crime Branch (DCB)
Tiruvallur District, Tiruvallur – 602 001.

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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