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Crl.OP.No.32321 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32321 of 2022

1.A.Anand Antony
2.V.Muthukumar

... Petitioners

Vs.

State by
The Superintendent of Police,
Economic Offences Wing (Hqrs), (EDF Wing)
Ashok Nagar, Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to
direct the respondent not to harass the petitioners unless there is a specific
allegation or complaint made against them.

For Petitioners : Mr.G.Ashok Kumar

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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2. The learned counsel for the petitioners submitted that under the pretext of enquiry, the respondent police is unnecessarily harassing the petitioners.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the basis of the complaint given by one Nithiya, a case in Crime No.21 of 2022 has been registered against the second petitioner and others for the offence under Sections 120B, 409, 420, 109, 34 of IPC, Section 5 of Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act 1997 and Sections 21(3), 22, 23, 24, 25 of Banning of Unregulated Deposit Scheme Act, 2019, alleging that they have collected huge amount from the general public, on the promise of giving huge returns. As of now, there are 5,500 complaints have been received by the respondent police. The



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value of the amount said to have been cheated is Rs.700 Crores. The first petitioner is the President of the alleged company viz., M/S Hijau Associates Private Limited and the second petitioner is the staff in the said company.

4. Heard the learned Counsel for the petitioners and learned Government Advocate (Crl.Side) for the respondent police.

5. It is the grievance of the petitioners that the respondent 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.

6. 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 petitioner may not be the same to the police officer.

7. In order to meet such situation, the following guidelines are issued:

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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 written summon under Section 160 Cr.P.C., 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.



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8. With the above direction, the Criminal Original Petition stands disposed of.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

shk

To

- 1.The Superintendent of Police,
Economic Offences Wing (Hqrs), (EDF Wing)
Ashok Nagar, Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

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