



WEB COPY



Crl.OP.No.32162 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 02.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.32162 of 2022**

1. Thillaichelvan

... Petitioners

Vs.

1. State represented by,  
The Inspector of Police,  
Central Crime Branch -2,  
Avadi Commissionerate,  
Avadi, Chennai.

2. M/s. Shivam Enterprises,  
Represented by its Proprietor  
D.Prakash,  
No.144/6, Vallalar Street,  
Ambattur Industrial Estate,  
Chennai - 600 058.

3. D.Prakash

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C.,  
to direct the 1st respondent / police not to harass the petitioners by interfering  
in to the civil nature of money transaction held between the petitioners and the  
respondents 2 and 3 herein.

For Petitioner  
For R1

: Mr.S.Madhysudanan  
: Mr.S.Santhosh  
Government Advocate(Crl.side)



Crl.OP.No.32162 of 2022

**ORDER**

WEB COPY

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

2. The learned counsel for the petitioners submitted that one D.Prakash lodged a false complaint against the petitioner. Based on which, the respondent police is unnecessarily harassing the petitioner. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by the said D.Prakash, enquiry is pending.

4. It is the grievance of the petitioner that the respondent police has been harassing him 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 petitioner has complained of harassment by the police based on a complaint and seek for this Court's



Crl.OP.No.32162 of 2022

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.

6. In order to circumvent 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 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.



Crl.OP.No.32162 of 2022

WEB COPY

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.

**02.01.2023**

Internet : Yes / No  
Index : Yes / No  
Speaking / Non Speaking order  
Sma



Crl.OP.No.32162 of 2022

To

WEB COPY

1. The Inspector of Police,  
Central Crime Branch -2,  
Avadi Commissionerate,  
Avadi, Chennai
2. The Public Prosecutor,  
High Court of Madras, Chennai.

**G.CHANDRASEKHARAN,J.**



WEB COPY



Crl.OP.No.32162 of 2022

Sma

**Crl.O.P.No.32162 of 2022**

**02.01.2023**