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Crl.OP.No.32382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32382 of 2022

N.Syed Adnan

... Petitioner

Vs.

1.Represented by State
The Inspector of Police,
R9 Valasaravakkam Police Station,
Crime Division, Chennai.

2.Shukku lak

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to
direct the respondent not to harass under the guise of enquiry.

For Petitioner

: Mr.F.Najimudeen

For Respondents

: Mr.S.Santhosh for R1,
Government Advocate(Crl.side)

Ms.G.A.Girija for R2



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ORDER

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

2. The learned counsel for the petitioner submitted that the petitioner is running a firm in the name and style of M/S.Adco Ship Supply, holding registered licence and certificate under Ministry of Harbour Affair. The second respondent is an investor. In the business of the petitioner, the second respondent invested a sum of Rs.17,00,000/-. Though the petitioner had repaid a sum of Rs.6,00,000/- by way of cash, the same was suppressed by the second respondent and a false complaint has been given against the petitioner as if the petitioner had cheated the second respondent. As far as now, the petitioner is liable to pay only a sum of Rs.7,50,000/- to the defacto complainant.

3. Ms.J.Girija, learned counsel appearing for the second respondent submitted that the petitioner is liable to pay a sum of Rs.28 Lakhs to the second



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respondent. When the second respondent asked the petitioner to return back the money, the petitioner had threatened him and therefore, the complaint was given.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that on the basis of the complaint given by the second respondent, petition enquiry is pending. The petitioner appeared for enquiry and had undertaken to pay back the money to the defacto complainant.

5. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondents police.

6. It is the grievance of the petitioner that the first 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.

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



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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.

8. 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 first 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



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called upon for enquiry/investigation.

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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 direction, the Criminal Original Petition stands disposed of.

03.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

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To

- 1.The Inspector of Police,
R9 Valasaravakkam Police Station,
Crime Division, Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

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