

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.05.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P (MD) No.10983 of 2018**

T.Amaravel Babu

... Petitioner

vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Assistant Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

- 3.M.Joseph Puspham
- 4.R.Getrute Ponnammal
- 5.J.Arun Joseph

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to interfere into the civil dispute with subjudice before the Court and illegally disposes of the petitioner's said property and not to harass the petitioner.

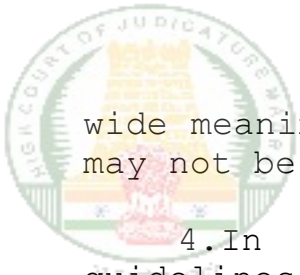
For Petitioner : Mr.N.Mohideen Basha

For RR 1 & 2 : Mr.S.Dhayalan,
Government Advocate (Criminal Side)**O R D E R**

The petitioner's application dated 30.04.2018, seeking a direction to direct the respondents 1 and 2 not to interfere in the civil dispute, has been kept pending without disposal, which prompted the petitioner to file the present writ petition.

2.By consent of both counsels, this writ petition is taken up for final disposal.

3.The petitioner has complained of harassment by the police based on a complaint and seeks 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.

4. In order to circumvent such situations, the following guidelines are issued:

a) While summoning any persons named in the complaint or any witness to the incident complained of, the police officer shall summon such persons 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 minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

d) 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.

6. With the above observations and direction, this Writ Petition stands allowed. No costs.

Sd/-

Vacation Officer (Crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Assistant Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

+ 1 cc TO Mr. N. Mohideen Basha, Advocate in SR No. 65574
+ 1 cc TO The Special Government Pleader in SR No. 65738

ps/pnn

AE/KKR/SAR4/29.05.2018/2P/5C