



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P (MD) No.11152 of 2018

and

W.M.P (MD) No.10200 of 2018

Maragathavalli

... Petitioner

vs.

1. The Superintendent of Police,  
Tuticorin District, Tuticorin.

2. The Inspector of Police,  
Thattarmadam Police Station,  
Tuticorin District.

3. Gajendran

4. Senthilkumar

5. Murugadurai

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from threatening the petitioner to vacate and handover possession of the house bearing D.No.3/101, A Adaikalapuram, Pallakkurichi Village, Sathankulam, Tuticorin District situated in Natham S.No.801/2 Part and 801/4 of Adaikalapuram Village to the respondents 4 and 5.

For Petitioner : Mr.R.Subramanian

For RR 1 & 2 : Mr.M.Murugan  
Government Advocate (Criminal Side).

### O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, to forbear the respondents 2 and 3 from threatening the petitioner to vacate and handover possession of the house bearing D.No.3/101, A Adaikalapuram, Pallakkurichi Village, Sathankulam, Tuticorin District situated in Natham S.No.801/2 Part and 801/4 of Adaikalapuram Village to the respondents 4 and 5.



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

3. Though the petitioner has sought for a direction forbearing the police from threatening the petitioner to vacate and handover possession of her property, the learned counsel appearing for the petitioner submitted that he would be satisfied if a direction is given to the respondent Police to refer from harassing the petitioner.

4. 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.

5. 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Tuticorin District, Tuticorin.



2. The Inspector of Police,  
Thattarmadam Police Station,  
Tuticorin District.

+1 cc TO Mr.R.Subramanian , Advocate in SR No. 65807

+1 cc TO The Special Government Pleader in SR No. 65899

ps/pnn

AE/KKR/SAR4/29.05.2018/3P/5C

**W.P(MD)No.11152 of 2018**  
**16.05.2018**