



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10179 of 2021

Jagan

... Petitioner

Vs.

1. The Inspector of Police,  
Neelankarai Police Station,  
Chennai District. CSR No.333/2021)

2. Chitra

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent not to harass the petitioner on the pretext of enquiry by misusing their official power in interfering with the civil dispute by aiding the 2nd respondent in any manner in future.

For Petitioner : Mr.L.Govindaraj

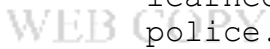
For Respondent : Mr.A.Damodaran,  
Govt. Adv. (Crl. side)

ORDER

This petition has been filed seeking direction to the first respondent police not to harass the petitioner on the pretext of enquiry by misusing their official power in interfering with the civil dispute by aiding the 2nd respondent in any manner in future.

2. The learned counsel appearing for the petitioner submits that there is a civil dispute between the petitioner and the second respondent, who is none other than the sister of the petitioner and the petitioner lodged a complaint against the second respondent in CSR No.333 of 2021. It is further submitted by him that, the second respondent also lodged a complaint against the petitioner and his wife and the respondent police harassed the petitioner under the guise of enquiry.

3. The learned Government Advocate (Crl. Side) would submit that based on the complaint made by the petitioner against the second respondent, an enquiry was conducted in CSR No.333 of 2021 and the same was closed on 03.06.2021. however, the complaint made by the second respondent against



4. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent police.

5. It is the grievance of the petitioner that the respondent police have 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.

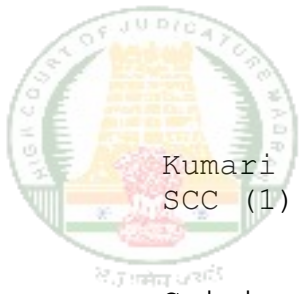
7. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

8. 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 petitioners may not be the same to the police officer.

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.

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

<https://hcservices.ecourts.gov.in/hcservices/>



Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

10. With the above observations and direction, the Criminal Original Petition stands disposed off.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Mst

To

1. The Inspector  
Neelankarai Police Station,  
Chennai District.

2. The Public Prosecutor,  
High Court, Madras.

Crl.O.P.No. 10179 of 2021

AJB (CO)  
GN(02/08/2021)