



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.191 of 2021

Preseeja.M.R

Proprietor,

Aarana's Kerala Ayurvedic Massage Centre,

6-A, Chinthamani,

Karur Bypass Road,

Trichy.

... Petitioner

Vs.

1.The Commissioner of Police,

Office of the Commissioner of Police,

Thiruchirappalli City.

2.The Inspector of Police,

Fort Police Station (Law & Order),

Thiruchirappalli City.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to direct the second respondent not to harass the petitioner by interfering with her peaceful conduct of the business, "Aarana's Kerala (Ayurvedic Care & Spa)" at 6-A, Chinthamani, Karur Bye-pass Road, Trichy based on the representation dated 29/12/2020

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.R.Eottusamy

Government Advocate (Crl. Side)

ORDER

The petitioner has filed the present petition under Section 482 Cr.P.C seeking for a direction to the second respondent not to harass the petitioner by interfering in her business.

2.The case of the petitioner is that she is running a Health Spa in the name and style of 'Aarana's Kerala Ayurvedic Massage Centre' at No.6-A,Chinthamani, Karur bypass Road, Trichy, with highly qualified and trained male and female therapists and that the police are continuously threatening her with dire consequences and also interfering with her business activities.

3.Mr.R.Erottusamy, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents, on instructions, would contend that no petition/complaint has been submitted by any person against the present petitioner and that they are not harassed by the respondent police as alleged by the petitioner.



4.The learned counsel for the petitioner drew the attention of this Court, to the order passed by this Court in Crl.O.P(MD). No.13739 of 2019, dated 27.09.2019, wherein, in Paragraph No.9, certain guidelines were issued and the same is extracted hereunder :-

"9.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 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."

5.The specific contention of the learned counsel for the petitioner is that the respondent police without following the aforesaid guidelines, is harassing the petitioner and interfering with her business activities.

6.In the instant case, the contention of the respondents 1 & 2/ police is that no petition /complaint was received by them against the petitioner. However, the respondents 1 & 2/ police are directed to follow the guidelines issued by this Court in Crl.O.P (MD).No.13739 of 2019, dated 27.09.2019, if any such complainant is lodged in future.

7.With the aforesaid direction, the Criminal Original Petition is disposed of.

Sd/-

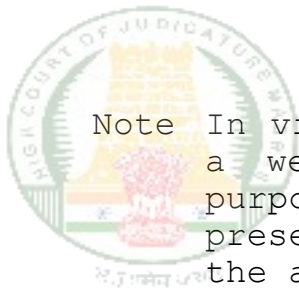
Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirappalli City.
- 2.The Inspector of Police,
Fort Police Station (Law & Order),
Thiruchirappalli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-594[F] dated 08/01/2021)

Crl.O.P. (MD)No.191 of 2021
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CK(CO)

KB(29.01.2021) 3P 5C