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CrI.O.P.No.25520 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.25520 of 2022

J.Joackin

...

Petitioner

/vs/

1.The Commissioner of Police,
Avadi Commissionerate,
Avadi,
Chennai 600 054.

2.The Inspector of Police,
T-8, Muthapudupet Police Station,
Tamil nadu 600 055.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of
Cr.P.C. to direct respondents not to harass the petitioner.

For Petitioner

...

Mr.L.K.Charles Alexander

For Respondents

...

Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct respondents not to harass the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is stated by the learned Additional Public Prosecutor that nor any case is pending and neither any petition enquiry is seen to have got initiated by giving any CSR Number.

4. The learned counsel for the petitioner submitted that there is a civil dispute between himself and one Muniasamy and the said Muniasamy attempts to give criminal colour for the same; only because of the complaint if any given by him to the first respondent police, the petitioner is being called by the first respondent to make his appearance in the police station; it is further submitted that the said Muniasamy is also working in Police Department.



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5. Since no CSR or FIR is pending, there is no need to call the petitioner by the respondent police for any enquiry. Since the investigation of the case is prerogative with the police, no much interference is done by the Courts normally. However, if it is brought to the knowledge of the Court that harassment is being done to any one in the name of investigation, the aggrieved should also be saved. In the case in hand, the petitioner has alleged that he is being harassed by the police on the complaint given by one Muniasamy. It is seen that the civil case is being given with criminal colour and hence a direction should be given to the respondent police not to harass the petitioner in the name of enquiry. If the preliminary enquiry of the police itself reveals that it is a matter of civil in nature, the third respondent ought to relegate the parties to the appropriate forum by dropping the further action. In this regard, it is relevant to attract the attention of the respondents to the guidelines issued in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]**.



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6. In the result, this Criminal Original Petition is disposed. The following directions have been given to the respondents while conducting enquiry in the complaint:

(i) The police officer shall send the written summon for enquiry under Section 160 of Cr.P.C by mentioning the time and date for appearance for enquiry and also about the name of the person whose complaint is taken for enquiry.

(ii) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the concerned police station.

(iii) The respondents should ensure that no harassment is caused to the petitioner either physically or mentally by the police officer or any other officer of the department while enquiring the petitioner or other witnesses in this regard.

(iv) The essential guidelines laid down by the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]**, shall be strictly followed.

20.10.2022

Index: Yes/No
Internet: Yes/No
gsk/shk



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To

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- 2.The Inspector of Police,
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- 3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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