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Crl.O.P.No.25580 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.25580 of 2022

V.Thirumal

... Petitioner

/vs/

The State rep by the
Inspector of Police,
W2 All Women Police Station,
Triplicane, Chennai 600 002.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of

Cr.P.C. to direct the respondent not to harass the petitioner in Crime

No.Not known of 2022 pending on the file of the respondent police.

For Petitioner

... Mr.M.Velmurugan

For Respondent

... Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner in Crime No.Not known of 2022 pending on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor appearing for the respondent.

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3. The learned counsel for the petitioner submitted that the petitioner was being taken to Seerkazhi and there he was harassed by the police by threatening him that he should not accept the marriage between his daughter and the husband of the said Amuthapriya.

4. The learned Additional Public Prosecutor submitted that on the complaint given by one Amuthapriya, a case has been filed in CSR No.34 of 2022 and the respondent has initiated a petition enquiry on the same.

5. Since the investigation of a criminal case is the prerogative of the police, no interference can be made 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 not be left without any remedy.

6. In the case in hand, the petitioner has alleged that he is being



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harassed on the complaint given by one Amuthapriya. The said Amuthapriya has developed doubts about the conduct of her husband and his relationship with the petitioner's daughter. It is further alleged that on 10.10.2022, his daughter was forced to make statements against the husband of the defacto complainant. In view of the above allegations, I feel it is appropriate to give directions to the respondent police not to harass the petitioner in the name of enquiry.

7. In the result, this Criminal Original Petition is disposed. The following directions have been given to the respondent 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 respondent should ensure that no harassment is caused to



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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.

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

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1.The Inspector of Police,
W2 All Women Police Station,
Triplicane,
Chennai 600 002.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

gsk/shk

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