



Crl.O.P.No.25745 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.25745 of 2022

Chandran

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Petitioner

/vs/

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

2.The Deputy Superintendent of Police,
Uthukottai,
Tiruvallur District.

3.The Inspector of Police,
Vengal Police Station,
Tiruvallur District 601 103.

4.Easu

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondents 2 & 3 not to harass the petitioner by appreciating the facts and circumstance of the case.

For Petitioner

...

Mr.R.Jayaprakash

For Respondents

...

Mr.A.Damodaran for R1 to R3
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the respondents 2 & 3 not to harass the petitioner by appreciating the facts and circumstances of the case.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

4. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 has submitted that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.938 of 2022 on the file of the respondent police

5. The grievance of the petitioner is that the 2nd and 3rd respondents have been harassing him under the guise of an enquiry/investigation. Since the investigation of a criminal case is the prerogative of the police,



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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. In the case in hand, the petitioner has alleged that he is being harassed by the police on the complaint given by the defacto complainant. The petitioner has stated the details of the civil case pending between himself and the fourth respondent. If the preliminary enquiry of the police itself reveals that it is a matter of civil in nature, the third respondent ought to have relegated the parties to the appropriate forum by dropping further action on the complaint. A civil case is being given with a criminal colour and hence a direction should be given to the respondent police not to harass the petitioner in the name of enquiry.

6. In the result, this Criminal Original Petition is disposed. The following directions have been given to the respondents 1 to 3 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



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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 1 to 3 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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4. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

gsk/shk

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