



Crl.O.P.No.26691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.26691 of 2022

Mr.V.Santhosh Kumar

... Petitioner

Vs.

The State represented by
Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondent police not to harass the Petitioner herein in complaint lodged by the defacto complainant in Crime number not known of 2022.

For Petitioner : Ms.L.Karthiga

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the Petitioner on the complaint lodged by the defacto complainant.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The learned counsel for the petitioner submits that the respondent police are harassing under the guise of enquiry on the complaint given by the defacto complainant, dated 10.10.2022. The learned counsel would further submit that the issue involved between the petitioner and the defacto complainant is purely civil in nature.

4. The learned Government Advocate (Crl. Side) appearing for the respondents has submitted that on the complaint given by the one Karthikeyan against the petitioner, a petition enquiry is pending.

5. Since the investigation of a criminal case is the duty of the police.



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Normally no interference will be made by the Courts. 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 grievance of the petitioner is that a civil dispute is given with criminal colour. If the preliminary enquiry of the police itself reveals that it is civil in nature, the respondent ought to relegate the parties to the appropriate forum by dropping further action on the complaint.

6. 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



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diary/station diary/daily diary of the concerned police station.

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(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 and complete the enquiry within a period of three (3) weeks from the date of receipt of a copy of this order.

(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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vum

Index:yes/No

Internet:yes/No

Speaking Order / Non speaking order

To

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1. The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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