



Crl.OP.No.30006 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30006 of 2022

M.Giriraj

... Petitioner

Vs.

1.The Commissioner of Police,
EVK Sampath Road,
Vepery, Chennai 600 007.

2.The Assistant Commissioner of Police,
Thiruvatriur,
Chennai 600 019.

3.The Inspector of Police,
W14, All Women Police Station,
Thiruvatriur, Chennai 600 019.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the third respondent not to harass the petitioner based on the
complaint given by Mrs.Nirmal Devi without any due process of law.

For Petitioner

: Mr.T.K.Sathiaseelan

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the third respondent police not to harass the petitioner.

2. The learned counsel for the petitioner would submit that under the pretext of enquiry, the third respondent police is unnecessarily harassing the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents police submitted that on receiving the complaint from one Nirmal Devi with regard to matrimonial dispute, enquiry has been conducted and the same is pending for continuation of enquiry since the petitioner has not cooperated for enquiry.

4. Heard the learned Counsel for the petitioner and learned learned Government Advocate (Crl.Side) for the respondent police.



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5. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would also not turn a blind eye to instances of harassment by the police under the guise of investigation is brought to its notice.

6. In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.

7. 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.



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b) The respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant

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

d)The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

e)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.

8. With the above observations and direction, the Criminal Original Petition stands disposed of.

06.12.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
shk



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- To
- 1.The Commissioner of Police,
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 - 2.The Assistant Commissioner of Police,
Thiruvatriyur,
Chennai 600 019.
 - 3.The Inspector of Police,
W14, All Women Police Station,
Thiruvatriur, Chennai 600 019.
 - 4.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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