



Crl.OP.No.30697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30697 of 2022

P.Shakila

... Petitioner

Vs.

State by:

1.The Commissioner of Police,
Vepery, Chennai 600 007.

2.The Inspector of Police (L&O),
H1, Old Washermenpet Police Station,
Chennai 600 021.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner in the Crime No. not known of 2022 on the file of the second respondent.



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For Petitioner : Mr.R.C.Manaoharan
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

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

2. The learned counsel for the petitioner would submit that the petitioner's sister one P.Shailaja gave a complaint against the petitioner before the second respondent and in respect of which, the second respondent called the petitioner for enquiry. Thereafter, the petitioner filed Crl.O.P.No.12947 of 2021 before this Court seeking not to harass the petitioner. The petition was closed on the ground that there is no case pending against the petitioner. However, the second respondent police repeatedly harassing the petitioner under the guise of enquiry. Hence, the present petition has been filed.



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3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that on the complaint given by P.Shailaja against the petitioner, so far as no enquiry has been done since the matter pertains to property dispute.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents police.

5. On perusal of records, it appears that the dispute between the petitioner and the defacto complainant is a property dispute, which is civil in nature. The second respondent has no role to interfere with the civil dispute between the parties. However, the case is now being enquired by the second respondent.

6. In order to circumvent such situations, the following guidelines are issued:



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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.

b) The second respondent 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.



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Petition stands disposed of.

13.12.2022

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

shk

To

- 1.The Commissioner of Police,
Vepery, Chennai 600 007.
- 2.The Inspector of Police (L&O),
H1, Old Washermenpet Police Station,
Chennai 600 021.
- 3.The Public Prosecutor,
Madras High Court.

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G.CHANDRASEKHARAN,J.

Shk

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