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Crl.OP.No.30795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30795 of 2022

1.M.Thairiyanathan

2.T.Vennila

... Petitioners

Vs.

1.The Commissioner of Police,
Avadi City Police, Avadi, Chennai 600 054.

2.The Deputy Commissioner of Police,
Avadi City Police, Avadi, Chennai 600 054.

3.The Assistant Commissioner of Police,
Avadi City Police, Pattabiram, Chennai 600 072.

4.State rep. by
The Inspector of Police,
T9 Pattabiram Police Station,
Pattabiram, Chennai 600 072.

... Respondents



Crl.OP.No.30795 of 2022

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the third and fourth respondents not to harass the petitioners and their family members in the name of enquiry again and again.

For Petitioners	: Mr.A.Prakash
For Respondents	: Mr.S.Santhosh Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the third and fourth respondents not to harass the petitioners and their family members.

2. The learned counsel for the petitioners would submit that there is dispute with regard to the possession of land between the petitioners and the Village Panchayat President of Nemilicherry. In this regard, the second petitioner filed suit in O.S.No.150 of 2021 on the file of the learned Additional District Munsif, Poonamalle and got decree in favour of her. However, the third and fourth respondents are repeatedly harassing the petitioners under the guise of



Crl.OP.No.30795 of 2022

WEB COPY

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the suit is not decreed in *toto* and no relief was granted in respect of the B schedule property. On receiving the complaint from one Tamil Selvi, Village Panchayat President, enquiry has been conducted in CSR No.727 of 2022 and the same is pending on the file of the fourth respondent.

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

5. It is the grievance of the petitioners that the third and fourth respondents have been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.



Crl.OP.No.30795 of 2022

WEB COPY

6. In the present case in hand, the petitioners have 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 petitioners 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.

b) The third and fourth respondents are directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant



Crl.OP.No.30795 of 2022

WEB COPY

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.

13.12.2022

Internet : Yes / No

Index : Yes / No

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WEB COPY



Crl.OP.No.30795 of 2022

G.CHANDRASEKHARAN,J.

shk

To

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- 2.The Deputy Commissioner of Police,
Avadi City Police, Avadi, Chennai 600 054.
- 3.The Assistant Commissioner of Police,
Avadi City Police, Pattabiram, Chennai 600 072.
- 4.The Inspector of Police,
T9 Pattabiram Police Station,
Pattabiram, Chennai 600 072.
- 5.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.30795 of 2022

13.12.2022

6/6