



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1134 of 2022

V.Arumai Nathan

...Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commission of Police,
Tiruchirappalli City,
Tiruchirappalli.

2.The Inspector of Police,
Thillai Nagar Police Station (Law & Order)
Thillai Nagar,
Tiruchirappalli City,
Tiruchirappalli.

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent not to harass the petitioner and consequently direct the respondents not to interfere with or disturb the peaceful conduct of the petitioner's business offering health therapies under the name and style of Maya's (Ayurvedic Care & Spa) at Jancy Residency, 4th Cross Street, Anna Nagar, Thennur, Trichy-7 hence based on the representation dated 12.01.2022.

For Petitioner : Mr.C.Ezhilarasu

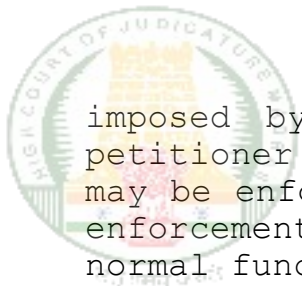
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

2. The petitioner is running the petition mentioned Spa. He alleges harassment at the hands of the respondents.

3. Running a Spa would definitely fall within the right to carry on any occupation & trade or business. Of-course, no right is absolute and it is subject to reasonable restrictions that may be



imposed by the State on the exercise of the said right. The petitioner has to abide by the standard rules and regulations that may be enforced by the State authorities. But in the guise of such enforcement, the respondents cannot needlessly interfere with the normal functioning of the petition mentioned Spa.

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4. The petitioner's counsel draws me attention of the order dated 27.09.2019 in Crl.O.P.(MD).No.13739 of 2019. The said petition was disposed on in the following terms:

7.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 brough to its notice.

8.In the presesnt 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.

9.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 minutes of the enquiry shall be recorded in the general diary/Station diary/daily diary of the police station.

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

(d)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.



3. This Criminal Original Petition is also disposed of on the same lines.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
Office of the Commission of Police,
Tiruchirappalli City,
Tiruchirappalli.
- 2.The Inspector of Police,
Thillai Nagar Police Station (Law & Order)
Thillai Nagar,
Tiruchirappalli City,
Tiruchirappalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-3489[F] dated 01/02/2022)

Crl.O.P. (MD)No.1134 of 2022
01.02.2022

RK(25/05/2022) 3P 5C