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Crl.OP.No.341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.341 of 2023

P.Anjali

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Kallakuruchi District.

2.The Inspector of Police,
O/o.Cinaselam Police Station,
Kallakuruchi District.

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police not to harass the petitioner under the guise of investigation.

For Petitioners	: Mr.P.Muthamizhselvakumar
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 under the guise of investigation.

2. The learned counsel for the petitioner submitted that the petitioner has two sons. The respondent police is threatening and harassing the petitioner stating that they would register false case against her sons. Therefore, she gave a representation to the respondent dated 12.12.2022. Hence this petition has been filed seeking to direct the respondent not to harass the petitioner and her sons.

3. The learned Government Advocate (Criminal side) submitted that the representation dated 12.12.2022 is not available with the respondent. Hence if a fresh representation is given by the petitioner, necessary action will be taken.

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



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5. In view of the submission made by the learned Government Advocate (Criminal side), the petitioner is directed to give a fresh representation and on receipt of the fresh representation, the respondent police is directed to consider the same and take necessary action.

6. It is the grievance of the petitioner that the second respondent has been harassing her and her sons under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

7. 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.

8. 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



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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 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 direction, the Criminal Original Petition stands disposed of.

06.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

nsa



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- To
- 1.The Superintendent of Police,
O/o.Superintendent of Police,
Kallakuruchi District.
 - 2.The Inspector of Police,
O/o.Cinaselam Police Station,
Kallakuruchi District.
 - 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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