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Crl.OP.No.1128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1128 of 2023

V.K.Mani

... Petitioner

Vs.

1.The Superintendent of Police,
Municipality campus, Muthukadaai,
Ranipet, Tamil Nadu - 632 401.

2.The State represented by
The Inspector of Police,
All Women Police Station,
Gandhi Road,
Ranipet, Tamil Nadu - 632 401.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner and her family in the Blanket of enquiry for the family dispute in which there is a pending case on the file of family Court, Chennai.

For Petitioners : Mr.L.Infant Dinesh

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.OP.No.1128 of 2023

ORDER

This Criminal Original Petition is filed for directing the respondent police not to harass the petitioner and her family members on the guise of enquiry.

2. The learned counsel for the petitioner submitted that already HMOP's in HMOP.Nos.156 of 2021 and 190 of 2022 are pending between the petitioner and her husband. However, on the basis of a false complaint given by the defacto complainant, petitioner and her family members are being harassed by the respondent police.

3. In response, learned Government Advocate (Criminal Side) submitted that, on the basis of the complaint given by the petitioner's daughter-in-law namely Uthra, enquiry is pending in CSR.No.4 of 2023.

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



CrI.OP.No.1128 of 2023

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.



Crl.OP.No.1128 of 2023

WEB COPY

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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

8. With the above directions, this Criminal Original Petition is disposed of.



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CrI.OP.No.1128 of 2023

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Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Superintendent of Police,
Municipality campus, Muthukadai,
Ranipet, Tamil Nadu - 632 401.

2.The Inspector of Police,
All Women Police Station,
Gandhi Road,
Ranipet, Tamil Nadu - 632 401.

3.The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.

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5/6



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