



WEB COPY



Crl.O.P.No.1932 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1932 of 2023

R.Malarvizhi

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City, Vepery,
Chennai – 600 007.
2. The Deputy Commissioner of Police,
F1- Chintharipet Police Station,
Chennai – 600 002.
3. The Assistant Commissioner of Police,
F1- Chintharipet Police Station,
Chennai – 600 002.
4. The Inspector of Police (Crime),
F1- Chintharipet Police Station,
Chennai – 600 002.
5. Ravikumar
6. Kovendan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to pass to direct the respondent 1 to 4 and his men not to harass under the guise of enquiry and except by due process of law and any other order which



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the Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

For Petitioner : Mr.D.Edwin Yuvanraj
For R1 to R4 : Mr.S.Santhosh
Government Advocate (Crl. Side)
For R5 & R6 : Mr.K.Subbu Ranga Bharathi
(Vakalat not filed)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police 1 to 4 and his men, not to harass the petitioner under guise of enquiry.

2. Learned counsel for the petitioner submitted that the petitioner was working as a Data Entry Operator in the Regional Passport Office, Chennai for the past 12 years. She was subjected to harassment by the sixth respondent, Regional Passport Officer. Therefore she sent several complaints to various Authorities including National Commission for Women. After giving such complaints, a false complaint was given against her by one Jayadeba Tripathy, Deputy Regional Manager, WWSO. On the basis of the complaint, the respondents police are unnecessarily harassing the petitioner, under the pretext of enquiry.



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WEB COP 3. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner is the named accused in a complaint given by one Jayadeba Tripathy, Deputy Regional Manager of World Wide Security Organization, which said to have employed the petitioner. Based on the complaint, the respondent Police has registered a case in Crime No.12 of 2023 for the offences punishable under Section 406 of IPC and Sections 43 & 66 of Information Technology Act, 2000.

4. Mr.K.Subbu Ranga Bharathi, learned counsel, on instructions from the Passport Authority appeared and seeks time to file his vakalat on behalf of respondent 5 & 6. Further he submitted that the petitioner was not appointed by the Government of India. She is working for a private agency named World Wide Security Organization. He submitted that the petitioner was terminated from service by the said World Wide Security Organization on 24.12.2022.

5. Considered rival submissions and perused the records. Perusal of the First Information Report No.12 of 2023 shows that the petitioner was an



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employee in World Wide Security Organization. She was in possession of a Dongle containing sensitive information to access the passport system, which is a Government property. The petitioner was terminated on disciplinary grounds by World Wide Security Organization by a letter dated 24.12.2022. she was directed her to return the dongle. Despite the clear cut instructions, the petitioner had kept the dongle in her illegal possession for the last 28 days and refused to return the same. Therefore, the complaint was given for taking appropriate action against the petitioner and to recover the dongle and ID badge from her illegal custody and return the same to the Regional Passport Office, Chennai.

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 meet 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



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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 respondents are 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. In view of the submissions made by the learned counsel appeared for both parties and the allegation made in the First Information Report and also considering the fact that the petitioner is a named accused in Crime No.12 of 2023, this Court directs the petitioner to cooperate with the enquiry that is being conducted by the respondent Police.



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WEB COPY 9. With the above observations and direction, the Criminal Original

Petition stands disposed of.

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

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5. The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.

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