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Crl.OP.No.1627 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 27.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.1627 of 2023**

Grace Beaula Das

... Petitioner

**Vs.**

State rep. by  
The Inspector of Police,  
T-7 Tank Factory Police Station,  
Vellanur, Avadi,  
Chennai – 600 062.

... Respondent

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner.

|                 |                                              |
|-----------------|----------------------------------------------|
| For Petitioner  | : Mr.M.Thamizhavel                           |
| For Respondents | : Mr.S.Santhosh<br>Govt. Advocate (Crl.Side) |

**ORDER**

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner.



Crl.OP.No.1627 of 2023

WEB COPY

2.The learned counsel for the petitioner submitted that the petitioner's father one M.Balakrishnan had given a false complaint against the petitioner. On the basis of the said false complaint, the respondent police is unnecessarily harassing her under the guise of enquiry. Therefore, the present petition is filed.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner's father one M.Balakrishnan had given a complaint under Section 156 Cr.P.C. to the learned Judicial Magistrate, Ambattur. The learned Judicial Magistrate, Ambattur had also passed an order in C.M.P.No.3040 of 2022 dated 19.10.2022 to conduct preliminary enquiry against the said complaint by following the dictum laid down by the Hon'ble Supreme Court of India in **“Lalithakumari Vs. State”**and **“Arnesh Kumar Vs. State”**.

4.It is further submitted by the learned Government Advocate (Crl.Side) that in pursuance of the said order, the petitioner was directed to



Crl.OP.No.1627 of 2023

appear before the respondent police for enquiry. However, the petitioner did not appear for the enquiry.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police.

6.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.

7.In the present case in hand, the petitioner has made a complaint of harassment by the police based on the complaint 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.



Crl.OP.No.1627 of 2023

WEB COPY

8. 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 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 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.



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Crl.OP.No.1627 of 2023

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.

7. With the above observations and directions, the Criminal Original Petition stands disposed of.

**27.01.2023**

Index : Yes / No  
Speaking / Non Speaking order  
Neutral Citation Case: Yes/No  
sp

To

1. The Inspector of Police,  
T-7 Tank Factory Police Station,  
Vellanur, Avadi,  
Chennai – 600 062.

2. The Public Prosecutor,  
High Court of Madras, Chennai.

5/6



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CrI.OP.No.1627 of 2023

**G.CHANDRASEKHARAN,J.**

sp

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**27.01.2023**