



Crl.OP.No.2025 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2025 of 2023

P.Rekha

... Petitioner

Vs.

1.The Superintendent of Police,
S.P. office, Sathuvachari, Vellore,
Vellore District.

2.The Inspector of Police,
Vellore North, L & O Police,
Vellore North Police Station,
Vellore District.

3.The Inspector of Police,
Sathuvachari Police Station,
Sathuvachari, Vellore, Vellore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd and 3rd respondent police not to harass the petitioner and her family members.



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For Petitioner : Mr.G.Vinodh Kumar
For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed for directing the 2nd and 3rd 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, there are two or three cases pending against the petitioner husband namely Ponmudi. However, the police is frequently visiting the petitioner's house and harassing the petitioner, necessitating filing of this petition.

3. The learned Government Advocate (Criminal side) submitted that the petitioner husband namely Ponmudi is a history sheeter. There are four criminal cases, including a murder case pending against him. Since, the accused is the husband of the petitioner, the respondent police used to verify his whereabouts on regular intervals. Apart from that, there is no harassment caused to the



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petitioner by the respondent police.

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

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 meet such situations, the following guidelines are issued:



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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.

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



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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.

01.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

gd

G.CHANDRASEKHARAN,J.

gd

To

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S.P. office, Sathuvachari, Vellore,
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- 2.The Inspector of Police,
Vellore North, L & O Police,
Vellore North Police Station,
Vellore District.
- 3.The Inspector of Police,
Sathuvachari Police Station,
Sathuvachari, Vellore, Vellore District.
- 4.The Public Prosecutor,
Madras High Court.

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