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Crl.OP.No.3451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3451 of 2023

Mohamed Rofu

... Petitioner

Vs.

1.The Superintendent of Police,
The Superintendent Office,
Nagapattinam.

2.The Inspector of Police,
Nagapattinamm District,
Nagoor Police Station.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner herein.

For Petitioner : Mr.AGD Bala Kumar
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent



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not to harass the petitioner.

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2.The learned counsel for the petitioner submitted that petitioner was in love with one Fathima Faraha and the love got broken in 2021. It appears that the said Fathima is missing and a missing woman complaint was given. On the basis of the said complaint, the respondents are harassing the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that on the basis of the complaint given by one Ayishasithika, a case in Crime No.339 of 2022 on the file of Nagoor Police Station was registered under the caption “Woman Missing”. It is stated that Fathima Faraha was missing from 05.09.2022. In connection with the said First Information Report, petitioner was called for enquiry. The respondent Police collected call records to show that petitioner had spoken to the said Fathima Faraha. Petitioner is not co-operating with the enquiry.

4.It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has



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invoked the inherent powers of this Court under Section 482 of Cr.P.C.

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5.In the light of the submission made by the learned Government Advocate (Criminal side) and also the submission made by the learned counsel for the petitioner that petitioner was in love with Fathima Faraha and it got broken, petitioner is directed to co-operate with the respondent Police for enquiry.

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 shall summon such person through a written summon under Section 160 Cr.P.C., specifying a particular



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date and time for appearing before them for such an enquiry/investigation.

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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.

8. With the above observations and direction, the Criminal Original Petition stands disposed of.

15.02.2023

Internet : Yes / No

Index : Yes / No

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Speaking / Non Speaking order
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To

- 1.The Superintendent of Police,
The Superintendent Office,
Nagapattinam.
- 2.The Inspector of Police,
Nagapattinamm District,
Nagoor Police Station.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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