



CrI.O.P.No.2498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.2498 of 2023

1.S.Rajeswari

2.S.Thirumurugaraj

... Petitioners

Vs

1.The Superintendent of Police
Office of Superintendent of Police,
Nethimedu, Salem District.

2.The Deputy Superintendent of Police,
Sankari Sub Division,
Salem District.

3. The Inspector of Police,
Sankari Police Station,
Salem District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 2 and 3 not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.R.Maruthachalamurthy

For Respondents : Mr.S.Santhosh, Govt Advocate (crl.side)



ORDER

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This petition has been filed seeking direction to direct the respondents

2 and 3 not to harass the petitioners under the guise of enquiry.

2. The learned counsel for the petitioner submits that the petitioner's daughter Vanitha had filed a partition suit in OS.No.54 of 2019 against the petitioners and two others. The said Vanitha had also given a complaint against the petitioners, on the basis of the complaint, the respondents are unnecessarily harassing the petitioners. The second respondent issued summons dated 16.12.2022 for appearance of the petitioners, on 17.12.2022 the petitioners appeared for enquiry along with necessary documents. Even thereafter, the petitioners were unnecessarily asked to appear and harassed them under the guise of enquiry. Hence, this petition.

3. The learned Government Advocate (crl.side) would submit that the said Vanitha and Usharani have given complaint against the petitioners alleging that the second petitioner has illegally detaining their mother/first petitioner and also creating bogus documents.



CrI.O.P.No.2498 of 2023

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4. Heard both sides and perused the materials available on record.

5.It is the grievance of the petitioners that the respondents Police have been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

6. From the consideration of the submissions and materials produced, it is apparent that the dispute between the parties is civil in nature. The respondents are directed not to interfere with the civil dispute. Even if any criminal offence is made out, the respondent/police is at liberty to enquire the parties in accordance with law.

7.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.



8.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)In the event of any cognizable offence being made out, the respondent is at liberty to file a regular case and follow the procedures as contemplated under Section 41(A) of Cr.P.C.



Crl.O.P.No.2498 of 2023

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9.However it is made clear that this order does not preclude the respondents in registering a case if offences of cognizable nature are made out and to proceed in accordance with law.

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

08.02.2023

Internet:Yes./No

Index:Yes/No

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To

- 1.The Superintendent of Police
Office of Superintendent of Police,
Nethimedu, Salem District.
- 2.The Deputy Superintendent of Police,
Sankari Sub Division,
Salem District.
3. The Inspector of Police,
Sankari Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.2498 of 2023

G. CHANDRASEKHARAN, J.
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CRL.O.P.No.2498 of 2023

08.02.2023