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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2023**

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2492 of 2023

Dr.S.P.Jayanthi ... Petitioner

Vs.

The Inspector of Police,
Law and Order,
T1, Ambattur Police Station,
Ambattur,
Chennai – 600 058. ... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner in connection with case in Crime No. Not Known on the file of the respondent police in the guise of investigation.

For Petitioner : M/s. Mythili Srinivas

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.side)

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O R D E R

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner in connection with case in Crime No. Not Known on the file of the respondent police in the guise of investigation.

2. The learned counsel for the petitioner submitted that petitioner is a Doctor by profession. She married a Doctor by name Viswanathan. There exists a matrimonial dispute between the parties and therefore they have been living separately. As of now, there is no proceedings have been initiated challenging the marriage. Based on a complaint, petitioner was asked to appear for enquiry on 08.01.2023. Under compulsion and duress, she was directed to produce documents relating to the matrimonial house. He further submitted that respondent police cannot interfere in matrimonial dispute, especially in a civil dispute with regard to right and tile in respect of matrimonial house.

3. The learned Government Advocate (Crl. Side) submitted that, based on the complaint given by one Vishwanathan alleging that his wife had illicit intimacy with one Ravindran and there exist a property dispute between them,

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an enquiry is being conducted. The property in dispute is an exclusive property of Dr.Viswanathan. However, his wife is threatening him with death threat. Therefore, a complaint was given by Dr.Viswanathan. Based on the said complaint, petition enquiry is pending in C.S.R.No.1939 of 2022.

4. From the consideration of the submissions made by the Counsels on either sides, it appears that there is a matrimonial dispute between the parties. Petitioner's husband gave a complaint against his wife making allegations of adultery and there is a property dispute between them. It is outside the purview of the respondent police to conduct enquiry in a matrimonial dispute and they can conduct enquiry only if any cognizable offence is made out, on the basis of the complaint.

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

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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 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

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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.

06.02.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

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To

1. The Inspector of Police,
   Law and Order,
   T1, Ambattur Police Station,
   Ambattur,
   Chennai – 600 058.

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

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