



Crl.OP.No.3742 of 2023

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

**DATED: 21.02.2023**

**CORAM**

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

**Crl.O.P.No.3742 of 2023**

1.P.Selvam  
2.T.Devika  
3.S.Vijayakumar  
4.S.Prakash  
5.R.Rajendran  
6.P.Sethu  
7.P.Thirugnanam  
8.T.Anandhan  
9.T.Karthik  
10.R.Muthukrishnan

... Petitioners

**Vs.**

State by

1.The Superintendent of Police,  
Cuddalore District, Cuddalore.

2.The Inspector of Police,  
H-1, Kattumannarkoil Police Station,  
Kattumannarkoil Town & Taluk – 608 301,  
Cuddalore District.

... Respondents



Crl.OP.No.3742 of 2023

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue suitable directions to the respondent police not to harass the petitioners in the guise of registering false case under the provisions of the IPC offences in relating to land situated in S.No.85/3A, Kandamangalam Village, Kattumannarkoil Taluk, Cuddalore District to the extent of 32 cents.

For Petitioners : Mr.C.Prakasam  
For Respondents : Mr.S.Santhosh  
Government Advocate (Crl.Side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners in the guise of registering false case under the provisions of the IPC offences relating to land in S.No.85/3A situated at Kandamangalam Village, Kattumannarkoil Taluk, Cuddalore District to an extent of 32 cents.

2.The learned counsel for the petitioners submitted that the petitioners are the owners of the agricultural land in Survey No.85/3A situated at Kandamangalam Village, Kattumannarkoil Taluk, Cuddalore District to the



Crl.OP.No.3742 of 2023

extent of 32 cents. One Sekar, his wife one Selvi and one S.Gopi by claiming right in the property of the petitioners causing disturbance to the petitioners' possession and the said Selvi has given a complaint against the petitioners. On the basis of the complaint given by the said Selvi, the respondent police is frequently harassing the petitioners under the guise of enquiry. Therefore, the present petition is filed by the petitioners.

3.The learned Government Advocate (Crl. Side) appearing for the respondents submitted that one Selvi has given a complaint against some of the petitioners. On that basis, FIR in Crime No.520 of 2022 for the offences under Sections 147, 447, 294(b), 323 and 354 of IPC was registered by the Kattumannarkoil Police Station and the same is pending. Similarly, one Anuradha has also given a complaint against some of the petitioners in this petition and on the basis of her complaint, FIR in Crime No.384 of 2022 for the offences under Section 294(b), 506(1) & 354 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 was registered by the Kattumannarkoil Police Station and the same is



Crl.OP.No.3742 of 2023

pending. Since the petitioners are the named accused in this case, the relief sought for by the petitioners cannot be given.

4. Heard the learned counsel for the petitioner and the 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 petitioners have 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.



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CrI.OP.No.3742 of 2023

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 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.



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Crl.OP.No.3742 of 2023

**G.CHANDRASEKHARAN,J.**

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

**21.02.2023**

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

To

1. The Superintendent of Police,  
Cuddalore District, Cuddalore.
- 2.The Inspector of Police,  
H-1, Kattumannarkoil Police Station,  
Kattumannarkoil Town & Taluk – 608 301,  
Cuddalore District
- 3.The Public Prosecutor,  
High Court of Madras, Chennai.

**Crl.O.P.No.3742 of 2023**

6/6