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Crl.O.P.No.3962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3962 of 2023

S.Jayalakshmi ... Petitioner

/vs/

The Inspector of Police,
Law and Order,
F3, Nungampakkam Police Station,
Chennai – 600 006.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct the respondent not to harass the petitioner above named by interfering in a civil dispute under the guise of an investigation.

For Petitioners : M/s.Mythilli Srinivas

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

ORDER

This Criminal Original Petition is filed to direct the respondent not to harass the petitioner above named by interfering in a civil dispute under the guise of an investigation.

2. Learned counsel for the petitioner submitted that petitioner's



mother had executed a settlement deed, in respect of the property bearing Door No.18/6, New No.18/11, Vaikundapuram, Mahalingapuram, Chennai – 600 034 on 13.03.1997. Thereafter, in 2010, she had unilaterally cancelled the Settlement Deed. Challenging the said cancellation, petitioner filed O.S.No.5887 of 2017 before the IV Additional City Civil Court, Chennai. The suit was dismissed. Petitioner is taking steps to file an Appeal. Meanwhile, respondent police is harassing the petitioner to handover the 1st floor of the building to petitioner's mother and sister. Therefore, this petition is filed.

3. In response, learned Government Advocate (Criminal side) submitted that, as of now, there is no First Information report or enquiry is pending against the petitioner. Petitioner is not required for any enquiry.

4. Considered the submissions and perused the records.

5. From the submission of the learned counsel for the petitioner, it appears that the issue in this case is purely civil in nature. Therefore, there is room for the respondent police to interfere in this civil dispute.

6. This Court, exercising its power under Section 482 of the Criminal Procedure Code normally would not interfere with the



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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.

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:

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



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the CSR number, date of complaint and the name of the complainant.

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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 police to take appropriate action or else they should not interfere with the civil dispute between the parties.

9. With the above directions, this Criminal Original Petition is



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disposed of.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

gd

To

1.The Inspector of Police,
Law and Order,
F3, Nungampakkam Police Station,
Chennai – 600 006.

2.The Public Prosecutor,
High Court, Madras.

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