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Crl.OP.No.5063 of 2023

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

**DATED: 06.03.2023**

**CORAM**

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

**Crl.O.P.No.5063 of 2023**

Sivakumar

... Petitioner

Vs.

The State by  
Sub Inspector of Police,  
Deevattipatty Police Station,  
Salem District.

... Respondent

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner under the guise of enquiry for a civil dispute.

For Petitioner

: Mr.N.Anand

For Respondent

: Mr.S.Santhosh

Government Advocate(Crl.side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner under the guise of enquiry for a civil dispute.



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2. The learned counsel for the petitioner submitted that petitioner filed suit in O.S.No.217 of 2018 against Nallaiyan and others seeking relief of declaration of partition sale deed in Doc.No.6206 of 2009 of Omalur Sub Registrar Office, as null and void and for other relief. While the suit is pending, on the basis of the complaint given by Selvarani, respondent police is unnecessarily harassing the petitioner, necessitating the filing of this petition.

3. In response, the learned Government Advocate (Crl. Side) submitted that, based on the complaint given by one Selvarani alleging petitioner and his family members are trying to disturb the electricity service connection by disconnecting the service connection, enquiry is pending in C.S.R.No.109 of 2023.

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

5. In the present case in hand, the petitioner has complained of



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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.

6. 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.

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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.

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

**06.03.2023**

Internet : Yes / No  
Index : Yes / No  
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1. Sub Inspector of Police,  
Deevattipatty Police Station,  
Salem District.

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

**G.CHANDRASEKHARAN,J.**

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