



Crl.OP.No.6446 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6446 of 2023

R.Barani

... Petitioner

Vs.

1. The Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.

2. The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.

3. The Sub Inspector of Police,
District Crime Branch,
Villupuram District,
Villupuram.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 not to harass the petitioner in G.3/70981/2308/SP/VPM/2022 on the file of District Crime Branch, Villupuram on the file of the 3rd respondent.



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For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 not to harass the petitioner in G.3/70981/2308/SP/VPM/2022 on the file of District Crime Branch, Villupuram/ 3rd respondent.

2. The learned counsel for the petitioner submitted that petitioner is the wife of one G.Ragunathan. G.Ragunathan died due to ill health. On the basis of the complaint given by one Muruganandam against G.Ragunathan, respondent police is unnecessarily harassing the petitioner. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that one Muruganandam gave a complaint alleging that G.Ragunathan received Rs.5 lakhs on the promise of getting Government Job. However, he neither secured job nor returned the money. On the basis of the complaint, CSR



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Enquiry was conducted. During the enquiry, petitioner undertook that, she would pay the amount to Muruganandam. On the basis of her undertaking, petitioner enquiry was closed. Later, she did not honor her undertaking. Therefore, summons was issued to the petitioner. He further submitted one Chinnarasu also gave a similar complaint against G.Ragunathan. On death basis, Current Paper enquiry is pending in C.No.962/929/SP/VPM/2023.

4. In the light of the submission made by the counsel appearing for the parties, this Court is of the view that, complaint was given against the deceased husband of the petitioner namely G.Ragunathan. Unless there is a proof that, money was transferred to the petitioner, she should not be unnecessarily harassed by the respondent police.

5. It is the grievance of the petitioner that the respondent police has been harassing her 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 summon/notice 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.



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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.

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

23.03.2023

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

Sma

To

1. The Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.
2. The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.
3. The Sub Inspector of Police,
District Crime Branch,
Villupuram District,
Villupuram.
4. The Public Prosecutor,
High Court of Madras, Chennai.

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