



WEB COPY



CrI.O.P.No.5662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.5662 of 2023

1.Mariyathangam
2.C.Adaikalaraj

... Petitioners

Vs.

1.The Additional Commissioner of Police,
CCB, Avadi, Chennai.

2.The Inspector of Police,
CCB, Avadi, Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass this petitioner herein in by appreciating the above stated facts and circumstances and thus render justice.

For Petitioners : Mr.U.Aslam

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



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ORDER

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2. Learned counsel for the petitioners submitted that, there is a civil suit filed by Sebastiammal and V.Mariya Velakanni against the petitioners and it is pending. During pendency of the civil proceedings, Sebastiammal gave a false complaint against the petitioners and on the basis of the complaint, petitioners are unnecessarily harassed by respondent police, necessitating filing of this petition.

3. Learned Government Advocate (Criminal side) submitted that Sebastiammal and V.Mariya Velakanni gave a complaint against the petitioners that they have obtained legal heir certificate supplying forged documents. On that basis of the complaint, petitioners' enquiry is pending.



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4. Heard the learned Counsel for the petitioners and 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 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 petitioners may not be the same to the police officer.

7. In order to meet such situations, the following guidelines are issued:



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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.

f) If any cognizable offence is committed, then it is open to the respondent



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

8. With the above directions, this Criminal Original Petition is disposed of.

10.03.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
gd

G.CHANDRASEKHARAN,J.

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To
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- 1.The Additional Commissioner of Police,
CCB, Avadi, Chennai.
- 2.The Inspector of Police,
CCB, Avadi, Chennai.
- 3.The Public Prosecutor
Madras High Court.

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