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Crl.OP.No.5307 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5307 of 2023

1.Priyadharshini

2.Imayavarman

... Petitioners

Vs.

1.State Represented by
The Commissioner of Police,
132, E.V.K. Sampath Salai,
(Near Daily Thanthi Office)
Veppery, Chennai 600 007.

2.The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioners in view of the false complaint received from the said Naredran and his family members.

For Petitioners : Mr.R.Thulasi
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioners in view of the false complaint received from the said Narendran and his family members.

2.The learned counsel for the petitioners submitted that first petitioner's husband Narendran gave a false complaint against the petitioners. On that basis, second respondent is unnecessarily harassing the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that Narendran gave a complaint against the petitioners alleging that petitioners tried to murder him. On the basis of the complaint, a case in C.S.R.No.15 of 2023 was registered and enquiry is pending. Despite sending three summons for appearance for enquiry, petitioners have not responded to the summons.

4.It is the grievance of the petitioners that the respondent police has been



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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 petitioners had 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.

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



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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.

7.In the light of the submission of the learned Government Advocate (Criminal side), this Court directs the petitioners to appear for the enquiry and co-operate with the enquiry.

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

08.03.2023

Index : Yes / No

Speaking / Non Speaking order

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Note:- Issue order copy on 10.03.2023



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To

- 1.The Commissioner of Police,
132, E.V.K. Sampath Salai,
(Near Daily Thanthi Office)
Veppery, Chennai 600 007.
- 2.The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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