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CrI.OP.No.5556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.5556 of 2023

1.A.Shantha

2.V.Anbu Chezhiyan

3.V.Sharanya

4.V.Srimathi

... Petitioners

Vs.

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
K-4, Annanagar Police Station,
P Block, 6th Avenue & 3rd Avenue,
Anna Nagar,
Chennai – 600 040.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
V5-Thirumangalam Police Station,
No.3-4, School road,
Annanagar West Extension,
Chennai – 600 010.

3.The Inspector of Police,
V5-Thirumangalam Police Station,
No.3-4, School road,

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Annanagar West Extension,
Chennai – 600 010.

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4.Vasumathi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the third respondent Police not to harass the petitioners based on the complaint given by the fourth respondent.

For Petitioners : Mr.V.P.Raju
For Respondents : Mr.S.Santhosh (For R1 to R3)
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the third respondent Police not to harass the petitioners based on the complaint given by the fourth respondent.

2.The learned counsel for the petitioners submitted that first petitioner owns 3BHK flat F1, SB PremRose Apartment No.985, 24th street, Anna Nagar West, Chennai – 600 040. Fourth respondent also owns 3BHK flat in this apartment. 3BHK flat are provided with two car parking facility. Fourth respondent has been repeatedly causing disturbance and creating problems in



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the matter of parking of cars. However, she gave a false complaint against the petitioners and on the basis of the false complaint, respondent Police frequently harassing the petitioners by sending notice asking them to appear for enquiry. There is a dispute with regard to car parking. It is a civil dispute. Respondent Police cannot interfere in civil dispute.

3.In response, the learned Government Advocate (Criminal Side) submitted that fourth respondent gave a complaint making allegations against the petitioners that first petitioner and her family members are trying to disturb her car parking space and also causing damage to her properties and using abusive language against her. Notice was issued to the petitioners for enquiry on the complaint given by the fourth respondent. Petitioners appeared for enquiry only once and thereafter, despite receiving notice, did not appear, but sent excuse letters.

4.In the light of the submissions made by the learned counsel appearing for parties, it is apparent that main issue between the petitioners and fourth respondent is the claim with regard to disputed car parking space. They have to seek remedy only before civil Court for appropriate remedy. Respondent Police



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cannot interfere in civil dispute. Even if a cognizable offence is made out, they have to follow the procedure established by law, while conducting the enquiry.

5.It is the grievance of the petitioners that the respondent police has been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

6.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.

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 written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.



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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.

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

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Index : Yes / No

Speaking / Non Speaking order



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- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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