



Crl.O.P.No.5564 of 2023

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

**DATED: 10.03.2023**

**CORAM**

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

**Crl.O.P.No.5564 of 2023**

1.S.Elango  
2.S.Guna  
3.S.Usharani

... Petitioners

**Vs.**

The State by Inspector of Police,  
All Women Police Station Ammapet.  
Salem City.

... Respondent

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable directions, directing the respondent not to harass the petitioners and pass such further or other orders as this Court may deem fit.

For Petitioners : Mr.J.Fracklin

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



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**ORDER**

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioners and pass such further or other orders as this Court may deem fit.

2. Learned counsel for the petitioners submitted that 1<sup>st</sup> petitioner married one Indhumathi. This is third marriage for Indhumathi, but first marriage for 1<sup>st</sup> petitioner. Indhumathi gave a false complaint against the petitioners, and on the basis of the said complaint, respondent police is unnecessarily harassing the petitioners. Therefore, this petition is filed to direct the respondent not to harass the petitioners under the guise of enquiry.

3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by Indhumathi, First Information Report was registered in Crime No.49 of 2022 under Sections 498, 506(i), 109 and 312 of IPC by Ammapet Police Station and investigation in this case is pending.



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4. Considered the submissions and perused the records.

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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 petitioners have 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:

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



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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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil



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dispute between the parties.

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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 State by Inspector of Police,  
All Women Police Station Ammapet.  
Salem City.

2.The Public Prosecutor  
Madras High Court.

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