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Crl.OP.No.5807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5807 of 2023

Padmavathy Mani Pillai

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District – 631 501.

2.The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District – 631 501.

3.Bhavani

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner under the guise of
enquiry.

For Petitioner : Mr.Rohini Ravikumar
For Respondents : Mr.S.Santhosh (For R1 and R2)
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 petitioner under the guise of enquiry.

2.The learned counsel for the petitioner submitted that petitioner's father Delli Ballaiya died in the year 2019. Petitioner's brother Pachaiyappan created a bogus life certificate for his dead father and made alienation and executed forged sale deeds in favour of various persons. Third respondent is one of the purchaser from Pachaiyappan. Based on the complaint given by third respondent, petitioner is unnecessarily harassed. He further submitted that petitioner appeared for enquiry. Petitioner also gave a complaint before the Anti Land Grabbing Cell for cancellation of the sale deed executed by Pachaiyappan. The District Registrar initiated proceedings under Section 77 (a) of the Registration Act. Despite petitioner co-operating with the enquiry, repeatedly she is summoned to appear. Therefore this petition.

3.In response, the learned Government Advocate (Criminal Side)



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submitted that based on the complaint given by third respondent Bhavani and one Revathy petition enquiry is pending in C.No.G4/95/00881/2022.

4.Considering the submission of learned counsel appearing for the parties that the enquiry is being conducted for more than a year, this Court directs the second respondent to complete the enquiry within a period of two months from the date of receipt of copy of this order by following the procedure established by law.

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.

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.



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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.

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.It is submitted by the learned counsel for the petitioners that Police



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demanded Rs.15,00,000/- from the petitioners for settle the matter. It is also submitted that he has audio recording of the telephonic conversation.

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

14.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

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Thaiyar Kullam,
Kancheepuram District – 631 501.
2. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Thaiyar Kullam,
Kancheepuram District – 631 501.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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