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Crl.OP.No.5776 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.5776 of 2023

Surya Prabha

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi Police Commissionerate,
Avadi,
Chennai.

2.The Inspector of Police,
Pattabiram 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 petitioner herein on the pretext of enquiry by misusing their official power in interfering with this matter herein in any manner in future.

For Petitioner : Mr.S.Sasikumar
For Respondent : 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 herein on the pretext of enquiry by misusing their official power in interfering with this matter herein in any manner in future.

2.The learned counsel for the petitioner submitted that petitioner is unnecessarily harassed on the basis of the complaint given by her sister's husband Madhusuthanarav. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal Side) submitted that on the basis of the complaint given by Madhusuthanarav alleging that petitioner along with her parents Anu Srinivasarav, Anu Rajalakshmi and Anu Rajalakshmi's mother Nagamani were missing, First Information Report in Cr.No.54 of 2023 under the caption “Man missing/ Woman missing” was registered and it is pending. Respondent Police is investigating this case only in connection with the pending First Information Report and the petitioner was enquired.



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4.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.

5.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.

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.



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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.

7.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

- 1.The Commissioner of Police,
Avadi Police Commissionerate,
Avadi,
Chennai.
- 2.The Inspector of Police,
Pattabiram Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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