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Crl.OP.No.5813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5813 of 2023

1.Balapruthvi

2.Muniaraj

3.Sumitha

4.Dr.Reshma

... Petitioners

Vs.

1.The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet, Chennai – 600 031.

2.Divya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent not to harass the petitioners herein on the complaint alleged to have been lodged by the 2nd respondent with the 1st respondent.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.S.Santhosh (For R1)

Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioners herein on the complaint alleged to have been lodged by the 2nd respondent with the 1st respondent.

2.The learned counsel for the petitioners submitted that first petitioner and second respondent were love with each other. The second respondent was believing that the first petitioner would marry her. First petitioner refused to marry her for the reason that he is younger than the second respondent and that he is also pursuing M.B.A. Degree. Therefore, second respondent gave a complaint and on the basis of her complaint petitioners are unnecessarily harassed. Second and third petitioners as a parents and fourth petitioner as sister has nothing to do with the love affair between the first petitioner and second respondent. Therefore, this petition.

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



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submitted that second respondent gave a complaint against the first petitioner alleging that he loved her and with the promise of marrying her and had sexual relationship with her and made her pregnant thrice and also aborted fetus without the knowledge of the second respondent. She also alleged that first petitioner received a sum of Rs.15,00,000/- from second respondent and cheated. On the basis of this complaint C.S.R.No.44 of 2023 dated 28.02.2023 is pending.

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

5.From the submission of learned counsel appearing for parties and petition enquiry in C.S.R.No.44 of 2023 reveals that main allegations are made only against the first petitioner. The only allegations against other petitioners are that they threatened the second respondent. In the light of the nature of allegations made, this Court directs the petitioners to co-operate with the enquiry.



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6.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.

7.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.

8.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/notice 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



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CSR number, date of complaint and the name of the complainant.

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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.

9.In view of the allegations made against the Police of demanding Rs.15,00,000/- for settling the matter, this Court directs the Deputy Commissioner of Police, Washermenpet Police Station to look into the allegations, monitor the enquiry and take appropriate action against the erring Police official, if the allegations are found to be true.

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



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Internet : Yes / No
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Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

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To

- 1.The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet, Chennai – 600 031.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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