



Crl.O.P.No.6879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM

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

Crl.O.P.No.6879 of 2023

1. S.Chitra
2. P.Suresh
3. S.Anand
4. S.Prakash

... Petitioners

Vs.

1. The Deputy Commissioner of Police,
Greater Chennai City Police,
St.Thomas Mount,
Chennai-600 017.

2. The Inspector of Police,
Greater Chennai City Police,
S-7, Madipakkam Police Station,
Keelkatalai,
Chennai 600 117.

3. Nagammal
4. P.Dilli
5. Devi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent herein not to harass the petitioners and their property and their family members under the guise of enquiry.



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For Petitioners : Mr.J.Selvarajan

For Respondents

R1 and R2 : Mr.S.Santhosh

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed directing the second respondent herein not to harass the petitioners and their property and their family members under the guise of enquiry.

2. The learned counsel for the petitioners submitted that the third respondent is the mother of the second petitioner, fourth respondent is the brother of the second petitioner and fifth respondent is the wife of the fourth respondent. They have dispute in connection with the house property at Madipakkam. The second petitioner has share in the property. However, at the instigation of the respondents 3 to 5, second respondent is forcing the petitioners to vacate the building. Therefore, this petition.



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3. In response, the learned Government Advocate (Crl.Side) submitted that the petitioners are named accused in Crime No.104 of 2023 on the file of the second respondent registered for the offences under Sections 448, 323, 506(1) and 294(b) of IPC.

4. Considered the submissions and perused the records.

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 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 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.



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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 dispute between the parties.

8. With the above directions, this Criminal Original Petition is disposed of.

28.03.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
mn

To

1. The Deputy Commissioner of Police,
Greater Chennai City Police,
St.Thomas Mount,
Chennai-600 017.
2. The Inspector of Police,
Greater Chennai City Police,
S-7, Madipakkam Police Station,
Keelkatalai,
Chennai 600 117.
3. The Public Prosecutor
Madras High Court.

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