



W.P.No. 10077 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.(Crl).No. 10077 of 2023

Thineshchandar Andiappan

... Petitioner

Versus

1.The State Represented by
the Assistant Commissioner of Police
Adyar Range
Adyar, Chennai – 600020.

2.The Inspector of Police
W-6, All Women Police Station,
Adyar, Chennai – 600020.

... Respondents

PRAYER : The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent Police not to harass the petitioner.



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For Petitioner : Mr. Rahul Jagannathan
For Respondents : Mr. S.Santhosh
Government Advocate (Crl.side)

ORDER

The Writ Petition is filed seeking direction to the respondents not to harass the petitioner.

2. It is the case of the petitioner that the respondents were harassing him on the basis of the complaint lodged by his wife. The respondents are unnecessarily harassing him and pressurizing him to act as per the wishes of his wife.

3. The learned counsel for the petitioner would submit that only to harass the petitioner, his wife has filed a complaint in Adyar Police Station, when no cause of action has arisen within the said Police Station.



4. The learned Government Advocate (Crl. Side) submitted that an enquiry is being conducted on the basis of the alleged complaint made by the petitioner's wife. However, the respondents would not harass the petitioner and they would follow the procedures prescribed under law.

5. The learned counsel for the complainant (petitioner's wife) has appeared before this Court and made his submission though she was not made a party to the proceedings. The learned counsel would submit that it is not the case of mere custody issue or matrimonial issue but there are offences made out.

6. This court is of the opinion that since the dispute appears to be a matrimonial dispute, the respondent Police shall not harass the petitioner. However, if the respondent Police intends to conduct an enquiry, they shall follow the following guidelines:

“a) While summoning any person named in the complaint or any witness to the incident complained of,



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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.



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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.

7. With the above observation, the petition is allowed. No costs.

31.03.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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