



WEB COPY



Crl.O.P.No.7497 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7497 of 2023

Saravana Kumar

...Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.

2.State rep. By
Inspector of Police,
All Women Police Station,
Virudhachalam.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondents not to harass the petitioner under the guise of enquiry and pass such further or other orders deem fit and thus render justice.

For Petitioner : Mr.B.Mahenddra Naidu

For Respondents : Mr.S.Santhosh
Government Advocate (crl.side)



Crl.O.P.No.7497 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.

2.The learned counsel for the petitioner submitted that petitioner's wife name is Thenmozhi. Their marriage is not successful and there are litigation pending including divorce petition. Thenmozhi gave a wrong complaint against the petitioner. On the basis of the complaint given by Thenmozhi, second respondent is unnecessarily harassing the petitioner. Therefore this petition.

3. In response, the learned Government Advocate (Criminal side) submitted that, Thenmozhi gave a complaint against the petitioner alleging cruelty and other allegations. Since it is a matrimonial dispute, preliminary enquiry in C.S.R.No.64 of 2023 dated 18.03.2023 is pending.

4. Considered the rival submissions and perused the records.



WEB COPY

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 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 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



Crl.O.P.No.7497 of 2023

appearing before them for such an enquiry/investigation.

WEB COPY

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

05.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



CrI.O.P.No.7497 of 2023

WEB COPY

To

- 1.The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.
- 2.Inspector of Police,
All Women Police Station,
Virudhachalam.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.7497 of 2023

G.CHANDRASEKHARAN, J.

ep

Crl.O.P.No.7497 of 2023

05.04.2023