



Crl.O.P.No.7317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7317 of 2023

Thamarai Selvi

...

Petitioner

VS

1.The State represented by
The Commissioner of Police,
Veppery,
Chennai.

2.The State represented by
The Inspector of Police,
All Women Police Station,
Peravaloor,
Chennai.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner and pass such further or other orders as this Court may deem fit.

For Petitioner

...

Mr.S.N.Arunkumar

For Respondent

...

Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner.

2. It is the submission of learned counsel for the petitioner that, on the basis of the complaint given by one Jothipriya against her husband and petitioner, 2nd respondent is unnecessarily harassing the petitioner. Therefore, this petition is filed to direct the 2nd respondents not to harass the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, Jothipriya gave a complaint against her husband and petitioner, alleging among other things that they have illicit affair. On the basis of the complaint, CSR.No.54 of 2023 is pending.

4. Considered the submissions and perused the records.



WEB COURT

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 appearing before them for such an enquiry/investigation.



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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.

03.04.2023

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



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WEB COPY

To

- 1.The Commissioner of Police,
Veppery,
Chennai.
- 2.The Inspector of Police,
All Women Police Station,
Peravaloor,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



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G.CHANDRASEKHARAN, J.

gd

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