



Crl.O.P.No.9176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

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

Crl.O.P.No.9176 of 2023

Suba Elavarasan

... Petitioner

Vs.

1. The Superintendent of Police,
Ariyalur District,
Ariyalur.

2. The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an order of Direction, directing the First Respondent to consider the representation of the petitioner dated 14.03.2023 and to direct the Second Respondent not to harass the petitioner without due process of law.

For Petitioner : Mr.R.Sankarasubbu

For Respondents
R1 and R2 : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed directing the First Respondent to consider the representation of the petitioner dated 14.03.2023 and to direct the Second Respondent not to harass the petitioner without due process of law.

2. The learned counsel for the petitioner submitted that the petitioner is unnecessarily harassed by the second respondent, in connection with the criminal case which the petitioner has no connection. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.Side) submitted that the petitioner is a named accused in Crime No.40 of 2022, on the file of the second respondent registered under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. On the basis of the complaint, the enquiry is pending.

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



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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.



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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.

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.

26.04.2023

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

1. The Superintendent of Police,
Ariyalur District,
Ariyalur.
2. The Inspector of Police,
Jayamkondam Police Station,
Ariyalur District.
3. The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN,J.

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