



WEB COPY



Crl.O.P.No.7880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.7880 of 2023

S.Rebeccal

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Tambaram Police Commissioner,
No.42/1, Medavakkam Main Road,
Sholinganallur,
Chennai - 600 119.

2.The State rep. by its
Inspector of Police,
W-3, All Women Police Station,
Kamarajapuram, Guduvancheri,
Tamil Nadu - 603 202.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the second respondent not to harass the petitioner except in accordance with law.

For Petitioner : Mr.M.Ravikumar

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl.O.P.No.7880 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking direction to the second respondent not to harass the petitioner.

2. It is the case of the petitioner that she had given a complaint against one M.Sakthivel. It is alleged that the second respondent is harassing the petitioner and compelling her to get married to the said M.Sakthivel.

3. The learned Government Advocate (Crl.Side) submitted that enquiry is pending in C.S.R.No.33 of 2023 on the file of the respondent Police and he will give suitable instructions to the respondent to act in accordance with law.

4. In view of the same, the second respondent shall act in accordance with law and shall not harass the petitioner. 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*



WEB COPY



Crl.O.P.No.7880 of 2023

complained of, 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



WEB COPY



Crl.O.P.No.7880 of 2023

*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.*

5. With the above observations, the Criminal Original Petition is
allowed.

12.04.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
ab



Crl.O.P.No.7880 of 2023

WEB COPY

To

1.The Commissioner of Police,
Office of the Tambaram Police Commissioner,
No.42/1, Medavakkam Main Road,
Sholinganallur,
Chennai - 600 119.

2.The State rep. by its
Inspector of Police,
W-3, All Women Police Station,
Kamarajapuram, Guduvancheri,
Tamil Nadu - 603 202.

3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7880 of 2023

SUNDER MOHAN, J.

ab

Crl.O.P.No.7880 of 2023

12.04.2023