



Crl.O.P.No.7845 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7845 of 2023

Balaji

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kallakurichi District.

2. The Inspector of Police,
All Women Police Station,
Kallakurichi
Kallakurichi District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent police not to harass the petitioner and his family members, father Govindan, mother Amsavalli, aunty Malar and the maternal uncle Murugan based on the complaint of the petitioner dated 31.03.2023.



For Petitioner : Mr.M.Senthil Kumar
For Respondents : Mr.S.Santosh, Govt. Advocate (Crl.Side)

ORDER

The petition is filed to direct the 2nd respondent police not to harass the petitioner and his family members, father Govindan, mother Amsavalli, aunty Malar and the maternal uncle Murugan under the guise of enquiry.

2. It is the grievance of the petitioner that the respondent police has been harassing him and his family members on the basis of the complaint lodged by his wife and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

3. 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 respondent would not harass the petitioner and they would follow the procedures prescribed under law.

4. 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, 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.

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***



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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 observation, the Criminal Original Petition is allowed.

11.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1. The Superintendent of Police,
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Kallakurichi District.
2. The Inspector of Police,
All Women Police Station,
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SUNDER MOHAN. J.

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