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Crl.OP.No.12270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12270 of 2023

M.S.E. Lakshmi Narasimhan

... Petitioner

Vs.

The Inspector of Police,
W-17, Sembiam,
All Women Police Station,
Paper Mills Road,
Bunder Garden, Perambur,
Chennai – 600 011.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner in the guise of an enquiry/investigation regarding the case.

For Petitioner

: Mr.M. Leo Prabhu

For Respondent

: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)



Crl.OP.No.12270 of 2023

ORDER

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This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and his family members under the guise of enquiry.

2. The learned counsel for the petitioner submitted that, based on the complaint given by one Sandhiya, petitioner is unnecessarily harassed by the respondent police. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, there is a matrimonial dispute between the petitioner and his wife Sandhiya. Sandhiya gave a complaint against the petitioner making allegations of cruelty. On the basis of the complaint, petition enquiry is pending.

4. It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

5. In the present case in hand, the petitioner has complained of



Crl.OP.No.12270 of 2023

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 petitioner may not be the same to the police officer.

6. 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.

d) The police officer shall refrain himself or herself from harassing



Crl.OP.No.12270 of 2023

persons called upon for enquiry/investigation.

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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.

7. With the above observations and direction, the Criminal Original Petition stands disposed of.

01.06.2023

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

1. The Inspector of Police,

4/6



Crl.OP.No.12270 of 2023

W-17, Sembiam,
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2.The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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Crl.OP.No.12270 of 2023

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Crl.O.P.No.12270 of 2023

01.06.2023