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Crl.O.P.No.8431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8431 of 2023

Indhumathi

...Petitioner

Vs.

1.Commissioner of Police,
O/o. Police Commissioner Office,
Sirupooluvapatti,
Tiruppur,
Tamil Nadu – 641 687.

2.The State rep by its
The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

3.The State rep by its
The Sub-Inspector of Police
Veerapandi Police Station
Tiruppur.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the Sub-Inspector of Police, Veerapandi Police Station, the 3rd respondent herein to not to harass the petitioner by appreciating facts and circumstances of the case.



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For Petitioner : Mr.M.Navin Kumar

For Respondents : Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the Sub-Inspector of Police, Veerapandi Police Station, the 3rd respondent herein to not to harass the petitioner by appreciating facts and circumstances of the case.

2.The learned counsel for the petitioner submitted that petitioner is a tenant under one Arthi. On the basis of false complaint given by Arthi, petitioner is unnecessarily harassed by the respondents 1 to 3. Therefore, this petition.

3. In response, the learned Government Advocate (Criminal side) submitted that, Arthi gave a complaint alleging theft of three sovereigns of gold jewels from her residence. Petitioner is one of the suspected accused. Petitioner is required for enquiry in C.S.R.No.64 of 2023 dated 22.03.2023.



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4. Considered the rival 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 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



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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 others [2014 (2) SCC (1)]** shall be strictly adhered to.

8. With the above directions, this Criminal Original Petition is disposed of.

18.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



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To

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The Inspector of Police,
Veerapandi Police Station,
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3. The State rep by its
The Sub-Inspector of Police
Veerapandi Police Station
Tiruppur.
4. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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