



WEB COPY



Crl.O.P.No.8763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8763 of 2023

S.Vinodhini Devi

...Petitioner

Vs.

The State represented by

1.The Commissioner of Police,
Office of COP, Coimbatore City,
Coimbatore – 18.

2.The Assistant Commissioner of Police,
Office of ACOP,
Poathanur, Coimbatore – 23.

3.The Inspector of Police,
Poathanur Police Station, Coimbatore – 23.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondents herein not to harass the petitioner namely Vinodhini Devi without due process of law.

For Petitioner : M/s.D.Mario Johnson
For Respondents : Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents herein not to harass the petitioner namely Vinodhini Devi without due process of law.

2.The learned counsel for the petitioner submitted that petitioner paid a sum of Rs.26,00,000/- to one Padmashri and she did not repay the money. However, the third respondent is unnecessarily harassing the petitioner on the basis of complaint given by one Selvi. Therefore, this petition is filed.

3.In response, the learned Government Advocate (Criminal side) submitted that one Selvi gave a complaint against one Padmashri alleging that Padmashri had cheated her. On the basis of the complaint, First Information Report in Cr.No.562 of 2022 was registered for the offence under Section 406 and 420 I.P.C. Investigation is pending and petitioner is only required in connection with the First Information Report and she is not accused in this case as on date.



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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:



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

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

21.04.2023

Index: Yes/No
Speaking/Non speaking order
ep



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To

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- 2.The Assistant Commissioner of Police,
Office of ACOP,
Poathanur, Coimbatore – 23.
- 3.The Inspector of Police,
Poathanur Police Station, Coimbatore – 23
- 4.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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