



Crl.O.P.No.9110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9110 of 2023

1.S.Pannerselvam

2.Gowri Paneerselvam

...Petitioners

Vs.

1.The Superintendent of Police,
O/o. District Superintendent office,
Mayiladuthurai District.

2.The Inspector of Police,
Sembanarkoil Police Station,
Sembanarkoil

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to grant and directing the 2nd respondent, not to harass the petitioners by calling them for enquiry based on the false complaint given by Mrs.Rajalakshmi.

For Petitioners : Mr.N.Daranath

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



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent, not to harass the petitioners by calling them for enquiry based on the false complaint given by Mrs.Rajalakshmi.

2.The learned counsel for the petitioner submitted that petitioner's daughter-in-law Rajalakshmi gave a false complaint against the petitioners and on that basis second respondent is unnecessarily harassing the petitioners. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that Rajalakshmi, the daughter-in-law of petitioners gave a complaint against the petitioners alleging cruelty. On the basis of complaint given by Rajalakshmi, petition enquiry in C.S.R.No.26 of 2023 is pending.

4.Considered the submissions and perused the records.



WEB COURT

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 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.



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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.

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Index: Yes/No
Speaking/Non speaking order
ep



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To

- 1.The Superintendent of Police,
O/o. District Superintendent office,
Mayiladuthurai District.
- 2.The Inspector of Police,
Sembanarkoil Police Station,
Sembanarkoil
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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