



CrI.O.P.No.9730 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.9730 of 2023

1. Arumugam
2. Mallika

... Petitioners

Vs.

1. The Superintendent of Police,
Thirupur District,
Thirupur.

2. The Inspector of Police,
Avinashi Police Station,
Thirupur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an order of direction, direct the respondents not to harass the petitioners, by considering the representation of the petitioners dated 21.04.2023 on the file of the first respondent herein in accordance with law to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu

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



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ORDER

This Criminal Original Petition has been filed directing the respondents not to harass the petitioners, by considering the representation of the petitioners dated 21.04.2023 on the file of the first respondent herein.

2. The learned counsel for the petitioners submitted that the petitioners are unnecessarily harassed by the second respondent, for the reason that their son is an accused in NDPS case. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.side) submitted that the petitioner's son one Bala is an accused in C.C.No.46 of 2014, pending on the file of the learned Judicial Magistrate I, Avinashi. Since he was not present before the Trial Court, Non-Bailable Warrant was issued and it is pending for execution. The petitioners were enquired about the whereabouts of their son.

4. Considered the submissions and perused the records.

5. This Court, exercising its power under Section 482 of the Criminal



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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 petitioners have 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.

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



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diary/daily diary of the police station.

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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.

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.

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

28.04.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
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To

1. The Judicial Magistrate I, Avinashi.
2. The Superintendent of Police,
Thirupur District,
Thirupur.
3. The Inspector of Police,
Avinashi Police Station,
Thirupur District.
4. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.



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