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Crl OP No.10860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2023

CORAM :

THE HONOURABLE Mr.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10860 of 2023

A.Maria Joseph

... Petitioner

Versus

1. The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai-600 007.
- 2.The Inspector of Police (Crime),
H-5, New Washermenpet Police Station,
Chennai-600 081.

... Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the 2nd respondent not to harass the petitioner under the guise of enquiring into the complaint lodged by one Josphine Teresa pending on the file of the 2nd respondent.

For Petitioner : Mr.P.Asai Thambi

For Respondents : Mr.S.Balaji
Government Advocate (Crl. Side)



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ORDER

It is alleged by the petitioner that he has been harassed by the respondents based on the alleged complaint given by one Josphine Teresa.

2. The learned Government Advocate (Crl. Side) submits that an enquiry is pending on the basis of the complaint given by one Josphine Teresa and that the respondents would not harass the petitioner.

3. This Court is of the view that the petitioner shall not be harassed in the guise of an enquiry. If the respondents intend to conduct an enquiry, they shall follow the following guidelines:

“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 written summon under Section 160 Cr.P.C., 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.



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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.

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.

4. Since the petitioner is a senior citizen, the 2nd respondent is directed to complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, the Criminal Original Petition is closed. No costs.

10.05.2023

kmi



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SUNDER MOHAN, J

kmi

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai-600 007.
2. The Inspector of Police (Crime),
H-5, New Washermenpet Police Station,
Chennai-600 081.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.

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