



Crl.O.P.No.11062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11062 of 2023

1.R.Arun Prasath

2.Rathinam

... Petitioners

Versus

1.The Superintendent of Police,
Tiruchengode Road,
Namakkal - 637 003.

2.The Deputy Superintendent of Police,
Paramathi Road,
Namakkal - 637 001.

3.The Inspector of Police,
Puduchatram Police Station,
Namakkal - 637 018.

... Respondents

Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the third respondent not to harass the petitioners under the guise of enquiry without due process of law.



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For Petitioners : Mr. R.Anbukarasu
For Respondents : Mr. S.Balaji
Government Advocate
(Criminal Side)

ORDER

It is alleged by the petitioners that they have been harassed by the respondents Police based on the alleged complaint given by one Keerthana (first petitioner's wife).

2. The learned Government Advocate (Criminal Side) submits that an enquiry is pending on the basis of the complaint given by the first petitioner's wife and that the respondents Police would not harass the petitioners.

3. This Court is of the view that the petitioners shall not be harassed in the guise of an enquiry. If the respondents Police intends 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 respondents/Police are 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



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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 respondents police to take appropriate action or else they should not interfere with the civil dispute between the parties.

4. With the above observation, this Criminal Original Petition is allowed. No costs.

11.05.2023

Index : Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No

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To



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SUNDER MOHAN, J.

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