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Crl.O.P.No.12655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

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

Crl.O.P.No.12655 of 2023

Thirumurugaraj

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nethimedu,
Salem District.

2. The Sub Inspector of Police,
District Crime Branch,
Salem District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction directing the respondents not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

For Intervenor : Mr.Raja Karthikeyan

ORDER



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This Criminal Original Petition has been filed directing the respondents not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that the petitioner's sister one Vanitha filed a suit in O.S.No.154 of 2019 seeking partition of the family property against the petitioner. The petitioner's father had executed a Will in respect of his properties in favour of the petitioner and therefore, the petitioner's sisters have not right in the properties. Stating the execution of Will, a detailed written statement was filed. After filing the written statement, the petitioner's sisters Vanitha and Usharani gave a complaint to the District Superintendent of Police, Salem alleging that the Will said to have been executed by their father one S.P.Sadhasivam is a forged Will. On the basis of the complaint, the petitioner is unnecessarily harassed by the respondents. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.side) submitted that the petitioner's sisters gave a complaint alleging that the petitioner had fabricated and forged the Will said to have been executed by their father.



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4. Mr.Raja Karthikeyan, learned counsel submitted that he is going to file an intervention petition in this petition and appeared on behalf of the petitioner's sisters. However, considering the limited scope of this petition, this Court is of the view that no intervention is required.

5. Considered the submissions and perused the records.

6. 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.

7. 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.



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8. 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 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.



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

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Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nethimedu,
Salem District.
2. The Sub Inspector of Police,
District Crime Branch,
Salem District.
3. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.



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