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Crl.OP.No.12767 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12767 of 2023

Gowri

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Salem City,
Salem.

2. State Rep by,
The Inspector of Police,
Ammamet Police Station,
Salem District.

3. Priyanka

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd Respondent Police not to harass the petitioner under the guise of enquiry/Investigation based upon the complaint given by the 3rd respondent herein.



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For Petitioner
For R1 & R2

: Mr.P.Vimal Raj
: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that, petitioner's husband Thiagarajan is an Advocate. The respondent police is trying to implicate the petitioner in a murder case. In connection with the said murder case, respondent police is unnecessarily harassing the petitioner and family members under the guise of enquiry.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Ranjith Kumar was murdered by accused persons. One of the accused namely A4 contacted petitioner's husband through cell phone. Only to enquire about the conversation with the 4th accused, petitioner's husband is required for enquiry and there is no truth in the alleged harassment of the petitioner and his family members by the respondent police.



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4. It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

5. 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 petitioner may not be the same to the police officer.

6. 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.

7. With the above observations and direction, the Criminal Original Petition stands disposed of.

08.06.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Salem City,
Salem.
2. State Rep by,
The Inspector of Police,
Ammamet Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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