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Crl.O.P.No.12779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12779 of 2023

R.Raju

...Petitioner

Vs.

State rep by

The Inspector of Police,

Thudiyalur All Women Police Station,

Coimbatore District.

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent Police not to harass the petitioner on the complaint of Ms.Pon Mari Essaki, D/o.Thangapandi.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent :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 on the complaint of Ms.Pon



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Mari Essaki, D/o.Thangapandi.

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2.The learned counsel for the petitioner submitted that on the basis of the complaint given by one Pon Mari Essaki, petitioner is unnecessarily harassed by the respondent. Therefore, this petition is filed.

3.In response, the learned Government Advocate (Criminal side) submitted that, Pon Mari Essaki was working in a Siddha Vaidhya Centre run by the petitioner. She gave a complaint against the petitioner alleging sexual harassment and not only that it is alleged that petitioner received a sum of Rs.1,96,000/- and gold jewels from her. On the basis of the complaint given by Pon Mari Essaki, petition enquiry in Current Paper No.B3/E4671539/2023 dated 04.05.2023 is pending.

4.In reply, the learned counsel for the petitioner submitted that petitioner has in fact gave a complaint against Pon Mari Essaki alleging that she has stolen gold jewels from the petitioner and petition enquiry is pending.



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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 petitioner had 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.

8. In order to meet such situations, the following guidelines are issued:

a)While summoning any person named in the complaint or any



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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.

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

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Index: Yes/No
Speaking/Non speaking order
ep



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To

1.The Inspector of Police,
Thudiyalur All Women Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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