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Crl.OP.No.12894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12894 of 2023

K.Shalini

... Petitioner

Vs.

1. The superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police (Crime),
T10 Manimangalam Police Station,
Kancheepuram District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second Respondent not to harass the petitioner and her husband in the name of enquiry.

For Petitioner
For Respondent

: Mr.S.Satheeshkumar
: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the second Respondent not to harass the petitioner and her husband in the name of enquiry.

2. The learned counsel for the petitioner submitted that, petitioner is unnecessarily harassed by the respondents on the complaint given by one Karunanithi, who is the husband of the petitioner. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, one Karunanithi gave a complaint against the petitioner and petitioner gave a complaint against her husband Karunathi alleging that, her husband along with others have man handled her. On the basis of both the complaints, CSR enquiries are pending.

4. It is the grievance of the petitioner that the respondent police has been



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harassing them 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.

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



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diary/daily diary of the police station.

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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.

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

1. The superintendent of Police,
Kancheepuram District,

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Kancheepuram.

2. The Inspector of Police (Crime),
T10 Manimangalam Police Station,
Kancheepuram District.

3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.

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