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Crl.O.P.No.13001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13001 of 2023

R.Lokesh

...

Petitioner

VS

1.The Superintendent of police,
Office of Superintendent of police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Brahmadesam Police Station,
Villupuram District.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner and his family under the guise of enquiry.

For Petitioner

...

Mr.S.Sasikumar

For Respondents

...

Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner and his family under the guise of enquiry.

2. Learned counsel for the petitioner submitted that, petitioner was looking for a bride through broker and got engaged with one Adhilakshmi. Due to some improper condition made by Adhilakshmi, marriage proposal was dropped. However, Adhilakshmi's father namely Mani gave a complaint against the petitioner and on that basis, respondents are unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, Adhilakshmi's father Mani gave a complaint against the petitioner for his failure to marry his daughter. On the basis of the complaint, petitioner enquiry is pending.

4. Considered the submissions and perused the records.

5. It appears from the submissions that, marriage proposal between



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the petitioner and Adhilakshmi is a matter of money and marriage was dropped due to incompatibility between the petitioner and Adhilakshmi.

There appears no cause for giving a police complaint. If at all, any criminal offence is made out, respondents have to follow the procedure established by law for enquiring the parties.

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 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 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.

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



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disposed of.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

gd

To

- 1.The Superintendent of police,
Office of Superintendent of police,
Villupuram District,
Villupuram.
- 2.The Inspector of Police,
Brahmadesam Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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