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Crl.O.P.No.13293 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.06.2023**

**CORAM**

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

**Crl.O.P.No.13293 of 2023**

E.Shivakumar

...Petitioner

**Vs.**

1.State Rep by  
The Inspector of Police,  
W-34, All Women Police Station,  
Ennore,  
Chennai – 600 081.  
(Crime No.Not known of 2023)

2.V.Suganya

...Respondents

**Prayer** : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent to not to harass the petitioner in pursuant to the C.S.R.No.319 of 2023, dated 17.05.2023, based upon the complaint given by the 2<sup>nd</sup> respondent.

For Petitioner : Mr.A.Manojkumar  
For Respondents :Mr.Leonard Arul Joseph Selvam  
Government Advocate (crl.side)  
(For R1)



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**ORDER**

This Criminal Original Petition has been filed to direct the respondent to not to harass the petitioner in pursuant to the C.S.R.No.319 of 2023, dated 17.05.2023, based upon the complaint given by the 2<sup>nd</sup> respondent.

2.The learned counsel for the petitioner submitted that petitioner got engaged with second respondent, however, marriage could not take place. On the basis of the complaint given by second respondent, first respondent is unnecessarily harassing the petitioner, which is purely a pre-matrimonial dispute. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, because of the engagement, second respondent resigned the job and incurred expenses in connection with engagement function and other marriage related activities. On the basis of the complaint, petition enquiry in CS.R.No.319 of 2023 is pending.



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4. Considered the submissions and perused the records.

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5. 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.

6. 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 petitioners may not be the same to the police officer.

7. 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



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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.

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

**15.06.2023**

Index: Yes/No  
Speaking/Non speaking order  
ep



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To

1.The Inspector of Police,  
W-34, All Women Police Station,  
Ennore,  
Chennai – 600 081.

2.The Public Prosecutor,  
High Court, Madras.



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**G.CHANDRASEKHARAN, J.**

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