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CrI.O.P.No.13203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.13203 of 2023

Manikandan

...

Petitioner

VS

1.The Deputy Superintendent of Police,
Sethiathope,
Cuddalore District.

2.The State represented by
The Inspector of Police,
AWPS – Sethiathope,
Cuddalore District.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondent herein viz., the Inspector of Police, AWPS – Sethiathope, Cuddalore District, not to harass the petitioner herein in any manner in future.

For Petitioner

...

Mr.M.Ragul Kousik

For Respondents

...

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



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ORDER

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2. Learned counsel for the petitioner submitted that, in connection with a matrimonial dispute, petitioner's wife namely Deepa gave a false complaint against the petitioner. On the basis of the complaint, respondents are unnecessarily harassing the petitioner.

3. In response, learned Government Advocate (Criminal side) submitted that, petitioner's wife Deepa gave a complaint against the petitioner. Earlier she had given a complaint and that enquiry was closed. Now, another complaint is given, alleging that, her husband namely the petitioner wants to settle the residence in his native place and that was not to the liking of the complainant. On the basis of the complaint, petitioner enquiry is pending.

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 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.

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 appearing before them for such an enquiry/investigation.

b) The respondent/Police is directed to serve summons mentioning



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the CSR number, date of complaint and the name of the complainant.

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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.

13.06.2023

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

1.The Deputy Superintendent of Police,



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Sethiathope,
Cuddalore District.

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2.The State represented by
The Inspector of Police,
AWPS – Sethiathope,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

G.CHANDRASEKHARAN, J.

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