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Crl.O.P.No.13529 of 2023

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

**DATED : 19.06.2023**

**CORAM**

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

**Crl.O.P.No.13529 of 2023**

Suresh

...Petitioner

**Vs.**

1.The Commissioner of Police,  
Greater Chennai,  
Vepery,  
Chennai

2.The Deputy Commissioner of Police,  
Kolathur District,  
Chennai.

3.The Inspector of Police,  
W-9, All Women Police Station,  
Villivakkam,  
Chennai.

...Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the respondents herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 10.06.2023.

For Petitioner : Mr.T.Muruganantham

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



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(For R1 to R3)

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**ORDER**

This Criminal Original Petition has been filed to direct the respondents herein to not to harass the petitioner in any manner except by due process of law pursuant to the representation dated 10.06.2023.

2.The learned counsel for the petitioner submitted that one Malarkodi was employed by the petitioner as maid and she gave a complaint against the petitioner alleging that petitioner received 4 sovereigns of gold jewels and a sum of Rs.4.50 lakhs. That complaint was enquired and closed. Again on same set of allegations, Malarkodi gave complaint against the petitioner. On the basis of complaint petitioner is unnecessarily harassed by the respondents. Therefore, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that, Malarkodi gave a complaint against the petitioner alleging that she has affair with petitioner and that she gave four sovereigns of gold jewels and a sum of Rs.4.50 lakhs. Petitioner did not return the money and jewels to Malarkodi. On the basis of the complaint, petition enquiry in



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C.S.R.No.274 of 2023 is pending.

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4. Considered the submissions and perused the records.

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 petitioner may not be the same to the police officer.

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



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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.

8. 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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Chennai.
- 4.The Public Prosecutor,  
High Court, Madras.



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**G.CHANDRASEKHARAN, J.**

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