



Crl.O.P.No.14033 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

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

Crl.O.P.No.14033 of 2023

Nandhini

... Petitioner

Vs.

The State represented by its
Inspector of Police,
Ammamet Police Station,
Salem,
Tamil Nadu.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner.

For Petitioner : Mr.L.K.Charles Alexander

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed directing the respondent not to harass the petitioner.

2. It is the submission of the learned counsel for the petitioner that the



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petitioner's husband one Suresh is an accused in Crime No.156 of 2023 registered for the offences under Sections 147, 120B and 302 of IPC. Her husband is no way connected with the offences concerned in Crime No.156 of 2023. The respondent Police is frequently harassing the petitioner under the guise of enquiry. Despite the petitioner visiting the respondent Police station for investigation purpose and the fact that she has four children, the respondent Police is continuing with the harassment. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.side) submitted that the petitioner's husband, the said Suresh is the first accused in the aforesaid crime number and he is absconding and evading arrest. The respondent Police is investigating the petitioner with the view to find out the whereabouts of the petitioner's husband. Therefore, the allegation that the respondent Police is harassing the petitioner is totally incorrect.

4. Considered the submissions and perused the records.

5. This Court, exercising its power under Section 482 of the Criminal



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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 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.

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.

f) If any cognizable offence is committed, then it is open to the respondent police to take appropriate action or else they should not interfere with the civil dispute between the parties.

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

23.06.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1. The Inspector of Police,
Ammamet Police Station,
Salem,
Tamil Nadu.
2. The Public Prosecutor
Madras High Court.

G.CHANDRASEKHARAN,J.

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