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Crl.O.P.No.1207 of 2023

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

**DATED: 23.01.2023**

**CORAM:**

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

**Crl.O.P.No.1207 of 2023**

S.Kamala

...Petitioner

**Vs.**

The State by  
The Inspector of Police,  
Maraimalar Nagar, Police Station,  
Chengalpattu.

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying  
to direct the respondent to “not to harass” the petitioner.

For Petitioner : Mr.V.Sairam

For Respondent : Mr.S.Santhosh  
Government Advocate (Criminal side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondent  
to “not to harass” the petitioner.



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2. The learned counsel for the petitioner submitted that on the basis of the complaint given by one Manimegalai, the petitioner is unnecessarily harassed by the respondent police.

3. In response, learned Government Advocate (Criminal Side) submitted that Manimegalai had given a complaint against the petitioner, alleging that the petitioner had pledged 41 sovereigns of her jewels and out of which, only 26 sovereigns were returned and the rest were not returned. It is further submitted that an enquiry is pending in this case.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (crl.side) for the respondent.

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.



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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 petitioner may not be the same to the police officer.

7. In order to circumvent 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 written summon under Section 160 Cr.P.C., 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.



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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.

**23.01.2023**

Internet :Yes

Index :Yes/No

gd/skt



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To:

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- 1.The Inspector of Police,  
Maraimalar Nagar, Police Station,  
Chengalpattu.
- 2.The Public Prosecutor,  
High Court of Madras.



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**G.CHANDRASEKHARAN, J.**  
gd/skt

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**23.01.2023**