



WEB COPY



Crl.OP.No.2266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2266 of 2023

Selvi

... Petitioner

Vs.

1. State Rep.by,
The Inspector of Police,
J7 Velacherry Police Station,
Chennai.

2. M.Mariappan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent police to not to harass the petitioner on the guise of
enquiry except under due process of law.

For Petitioner : Mr.M.Dinesh

For R1 : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent
police to not to harass the petitioner on the guise of enquiry except under due
process of law.



Crl.OP.No.2266 of 2023

2. The learned counsel for the petitioner submitted that petitioner's husband/ Ponnusamy died of natural cause on 25.10.2022. However, his brother/2nd respondent/ Mariappan lodged a false complaint against the petitioner stating that petitioner is responsible for the death of Ponnusamy. On the basis of the said complaint, respondent police is harassing the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that based on the complaint lodged by the 2nd respondent, enquiry is pending in C.S.R.No.996 of 2022.

4. It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

5. 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.



Crl.OP.No.2266 of 2023

6. 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 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.

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.

