

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.8403 of 2018

P.Thiyagarajan

.. Petitioner

Vs.

The State Represented by
Inspector of Police
Crime Branch,
R.8 Vadapalani Police Station,
Chennai - 600 026.

.. Respondent

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

For Petitioner :M/s.D.Charles Muthu Santhan

For Respondents:Mr.C.Raghavan

Government Advocate(Crl.Side)

ORDER

It is the grievance of the petitioner that the respondent
police have 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.

2.An enquiry into a non cognizable offence or a
cognizable offence is the unfettered powers of the
Investigation Officers so long as the power to
investigate/enquire into these offences are legitimately
exercised within the frame work of Chapter XII of the Code of
Criminal Procedure. Though the Code of Criminal Procedure
empowers the Magistrate to be a guardian in all the stages of
the police investigation, there is no power envisaging him to
interfere with the actual investigation or the mode of
investigation. It is in this background that numerous
petitions complaining of harassment are being reported and
filed before this Court seeking for directions to refrain the
police officials from harassing the persons named in a
complaint.

3.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.

4. In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seeks 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.

5. In order to circumvent such situations, the following guidelines are issued:

a) While summoning any persons named in the complaint or any witness to the incident complained of, the police officer shall summon such persons 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 minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

d) 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.

6. With the above observations and direction, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS III)

WEB COPY

//True Copy//

Sub Assistant Registrar

dh

To

1. The Inspector of Police
Crime Branch,
R.8 Vadapalani Police Station,
Chennai - 600 026.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Vasanthakumar, Advocate, S.R.No.20711

Cr1.O.P.No.8403 of 2018

gp (CO)
GSP (10/04/2018)



WEB COPY