

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.9919 of 2018

Latha

.. Petitioner

Vs.

1. The Inspector of Police,  
All Women Police Station,  
Poonamalle, Chennai.

2. The Commissioner of Police,  
Veppery, Chennai

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482  
praying to direct the respondents police not to harass the  
petitioner and along with their family members.

For Petitioner : M/s.S.Ramajayam

For Respondents : Mr.C.Raghavan  
Government Advocate(Crl.Side)

ORDER

It is the grievance of the petitioner that the respondent  
police has been harassing her 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  
her 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.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vv

To

1. The Inspector of Police,  
All Women Police Station,  
Poonamalle, Chennai.

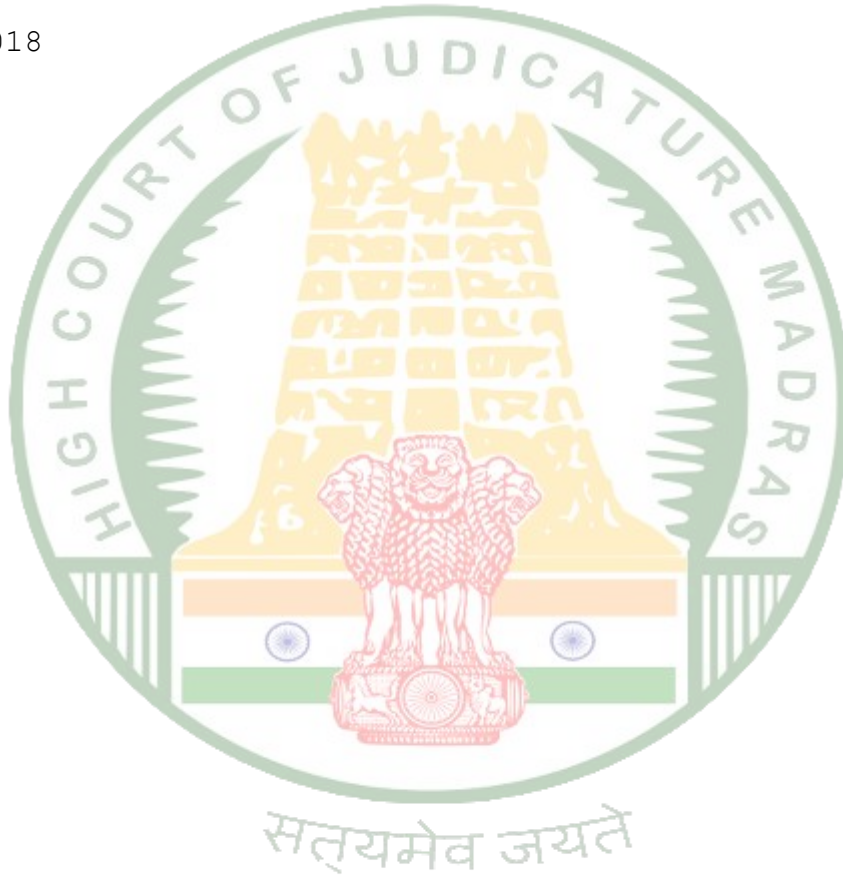
2. The Commissioner of Police,  
Veppary, Chennai

3. The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.S.Ramajayam Advocate sr 23626

CrI.O.P.No.9919 of 2018

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