

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.5789 of 2020

Raja @ Marur Raja

.. Petitioner

Vs.

1.State represented by,
The Superintendent of Police,
Villupuram,
Villupuram District.

2.State represented by,
The Deputy Superintendent of Police,
Villupuram,
Villupuram District.

3.State represented by,
The Inspector of Police,
Periyathachur Police Station,
Villupuram District.

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent police not to harass the petitioner based on the false and bogus cases which were registered for statistical purpose.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the third respondent police not to harass the petitioner in connection with Crime No.Not known pending on the file of the third respondent police.

2 The learned counsel appearing for the petitioner submits that the third respondent police harassed the petitioner under the guise of enquiry.

3 The learned Additional Public Prosecutor appearing for the third respondent police would submit that on

the complaint given by the defacto complainant against the petitioner, the third respondent police has registered a case and the enquiry is pending.

4 Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

5 It is the grievance of the petitioner that the third 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.

6 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 person named in a complaint.

7 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.

8 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.

9 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 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 LalitaKumariVs. Government of Uttar Pradesh and others[2014 (2) SCC (1)] shall be strictly adhered to.

10 With the above observations and direction, the Criminal Original Petition stands disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dua

To

- 1.The Superintendent of Police,
Villupuram,
Villupuram District.
- 2.The Deputy Superintendent of Police,
Villupuram,
Villupuram District.
- 3.The Inspector of Police,
Periyathachur Police Station,
Villupuram District.

- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Sasikumar Advocate sr22224

Cr1.O.P.No.5789 of 2020

aa28/10/2020

3/3