



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD) No.1004 of 2020

WEB COPY

Sivarajan

... Petitioner

Vs.

1.The Inspector of General of Police,
(Central Zone)
Subramaniyapuram,
Near TVS Toll Gante
Opposite to Jamaal Mohammed College,
Tiruchirappalli-620 020.

2.The Deputy Inspector General of Police,
Khaja Nagar, Race Course Road,
Khaja Malai (Near SRM Hotel),
Tiruchirappalli-620 023.

3.The Superintendent of Police,
Trichy Rural District,
Khaja Malai,
Subramaniyapuram,
Trichy-Pudukkottai Road,
Trichy-620 020.

4.The Inspector of Police,
Vathalai Police Station,
Trichy District.

5.S.Ganesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
to give direction directing the fourth respondent not to interfere
with civil dispute pending between the petitioner with fifth
respondent.

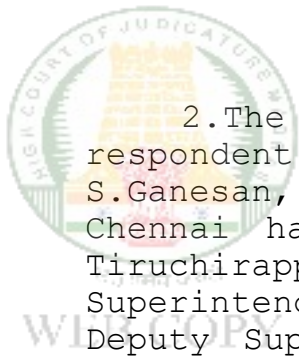
For Petitioner : Mr.D.Selvanayagam

For R1 to R4 : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct
the fourth respondent not to interfere with civil dispute pending
between the petitioner with fifth respondent.



2.The learned Additional Public Prosecutor appearing for the respondent police would submit that one Lieutenant Colonel S.Ganesan, who is the Director of First Salvo Projects Pvt.Ltd, Chennai has given complaint to the Deputy Inspector of Police, Tiruchirappalli, which has been forwarded to the Deputy Superintendent of Police, Zeeyapuram for further action. From Deputy Superintendent of Police, file has been forwarded to the fourth respondent in current paper No.G3/04/C2PS/2020 and that enquiry has been conducted by the fourth respondent.

4.The learned counsel appearing for the petitioner would submit that the dispute between the petitioner and the Lieutenant Colonel Ganesan is purely civil in nature. However, the respondent police are attempting to settle the civil dispute by way of police force.

5.Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondent police.

6.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.

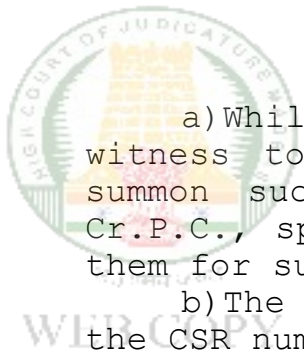
7.An enquiry into a non cognizable offence or a cognizable offence is the unfettered powers of the Investigation Officers so long as the power to investigate/enquire into these offences are legitimately exercised within the frame work of Chapter XII of the Code of Criminal Procedure. Though the Code 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.

8.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.

9.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.

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

<https://hcservices.ecourts.gov.in/hcservices/>



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.

dThe 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.

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

Sd/-

Assistant Registrar (CO)

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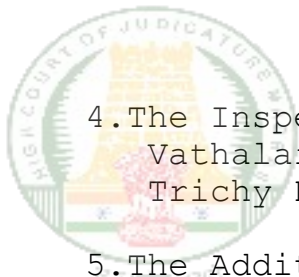
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Sub Assistant Registrar(CS)

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4.The Inspector of Police,
Vathalai Police Station,
Trichy District.

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-4349[F] dated 31/01/2020)

CrI.O.P.(MD) No.1004 of 2020
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MK (17.02.2020) 4P 7C