



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

WEB COPY

W.P. (MD)No.8897 of 2020

T.Vaigundamani

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Kanyakumari District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Nagerkovil Sub-Division,
Kanyakumari District.

3.The Inspector of Police,
O/o. The Inspector of Police
District Crime Branch, Nagerkovil,
Kanyakumari District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the third respondent by considering the petitioner's representation dated 18.03.2020.

For Petitioner	: Mr.M.Maharaja
For Respondents	: Mr.S.Chandrasekar, Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the third respondent by considering the petitioner's representation dated 18.03.2020.

2.The grievance sought to be redressed by the petitioner is that though one Kumari Thangam, Thangeswaran, Ravikumar, Muthuvel and Sivakulandhai Vadivel created a forged document for the purpose of grabbing the property, owned by the petitioner, the respondent police has not initiated any appropriate action, hence, it is necessary to issue some direction to the respondent police 2 and 3, for considering the application dated 18.03.2020, given by the petitioner.



3.Today when the petition is came up for hearing the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the complaint, dated 18.03.2020, given by the petitioner was forwarded to the second respondent in C.No.DSP/DCB/147/2020 with a direction to take appropriate action.

4.In general, an enquiry into a non-cognizable offence or a cognizable offence is the unfettered powers of the Investigating 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.

5.This Court, exercising its power 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.

6.In the present case in hand, the petitioner has complained on the forgery committed by the above referred persons. Hence, it is appropriate for the respondent police to follow the guidelines stipulated in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others reported in [2014 (2) SCC (1)]** .

7.Accordingly, the respondent police 2 and 3 are directed to follow the guidelines stipulated for preliminary enquiry or registration of First Information Report by the Hon'ble Apex Court in the above referred case and to take necessary action for the complaint given by the petitioner.

8.With the above observations and direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

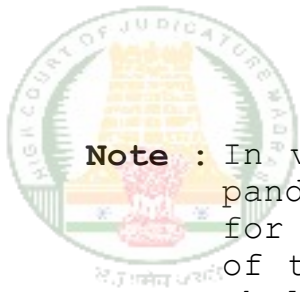
// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rm

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Nagerkovil Sub-Division,
Kanyakumari District.
- 3.The Inspector of Police,
O/o. The Inspector of Police
District Crime Branch,
Nagerkovil,
Kanyakumari District.

W.P. (MD)No.8897 of 2020
06.08.2020

CS (20.08.2020) 3P 4C