



W.P.No.1302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1302 of 2022

P.Pandikumar

...Petitioner

Vs.

1.State Rep. by.,
The Inspector of Police,
Kottakuppam Women Police Station,
XR5M+6WC, Muthialpet,
Puducherry – 605 104.

2.P.Meena @ Anandhi

...Respondents

PRAYER: Writ Petition filed under Article 226 Constitution of India praying to issue a writ of Mandamus, to direct the first respondent not to harass the petitioner under the rise of investigation in the odd hours.

For Petitioner : Mr.R.Arunkumar

For Respondents

For R1 : Mr.V.Balamurugane
Public Prosecutor (Puducherry)



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ORDER

This petition has been filed to direct the first respondent not to harass the petitioner under the rise of investigation in the odd hours.

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

3. The learned Public Prosecutor (Puducherry) appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending on the file of the respondent police

4. Heard the learned Counsel for the petitioner and learned Public Prosecutor (Puducherry) for the first respondent police.

5. 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



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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.

6. 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 petitioners may not be the same to the police officer.

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

a) While summoning any person named in the complaint or any



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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 **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** shall be strictly adhered to.

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

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Index: Yes/No

Speaking/Non speaking order



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To

- 1.The Inspector of Police,
Kottakuppam Women Police Station,
XR5M+6WC, Muthialpet,
Puducherry – 605 104.
- 2.The Public Prosecutor,
High Court, Madras.



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