



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.2687 of 2022

1.P.Prabakaran
2.P.Palraj
3.Manjula

... Petitioners

Vs

1.The State rep by
The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.

2.State by the Inspector of Police,
Walajapet Police Station,
Ranipet District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents not to harass the petitioners.

For Petitioners : Mr.V.Rajasekaran

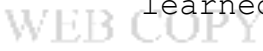
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the respondents not to harass the petitioners.

2.The learned counsel appearing for the petitioners submits that the respondents Police harassed the petitioners under the guise of enquiry.

3.The learned Additional Public Prosecutor appearing for the respondents Police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is



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

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 persons named in a complaint.

8. In the present case in hand, the petitioners have 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.

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.

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



c)The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

d)The 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.

f)In the event of any cognizable offence being made out, the respondents are at liberty to file a regular case and follow the procedures as contemplated under law.

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

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

vkr/jas

To

1.The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.

2.The Inspector of Police,
Walajapet Police Station,
Ranipet District.

3.The Public Prosecutor,
High Court,
Madras.

+lcc to Mr.V.Rajasekaran, Advocate SR.No.8401

CRL.O.P.No.2687 of 2022

PL(CO)
CB(18/02/2022)