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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.3513 OF 2022

Adham Bava

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Vepery Police Station,
Jermiah Road, Vepery, Periyamet,
Chennai.

2. The Inspector of Police,
F3, Nungambakkam Police Station,
Nungambakkam, Chennai - 600 034,
PS CSR No.24/2022.

3. Muruga Bharathi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st and 2nd respondents not to harass the petitioner based on the complaint given by the 3rd respondent.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.V.Meganathan,
Government Advocate
(Crl. Side)

O R D E R

This petition has been filed seeking direction to the 1st and 2nd respondents not to harass the petitioner based on the complaint given by the 3rd respondent.

2.Mr.V.Meganathan, learned Government Advocate (crl.side) appearing for the respondent police would submit that on the complaint given by one D.Sathiyathan, Authorized Signatory representing MANI and MONEY Ltd., against the petitioner,



3. Heard the learned Counsel and perused the materials available on record.

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 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.

7. 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.

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 offences made out, the respondent shall register a regular case and follow the procedure in accordance with law.

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

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. The Assistant Commissioner of Police,
Vepery Police Station,
Jermiah Road, Vepery, Periyamet,
Chennai.
2. The Inspector of Police,
F3, Nungambakkam Police Station,
Nungambakkam, Chennai - 600 034,
PS CSR No.24/2022.
3. The Public Prosecutor,
Madras High Court.

+1cc to M/s.S.Veeraragavan, Advocate, S.R.No.9736

Cr1.O.P.No.3513 of 2022

PL(CO)

RLP(02/03/2022)