



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4458 of 2022

K.Indu

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2. The Inspector of Police,
District Crime Branch,
Thiruvallur District.

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, pleaded to direct the 2nd respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.M.Purushothaman

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

O R D E R

The Criminal Original Petition has been filed seeking direction to the 2nd respondent not to harass the petitioner under the guise of enquiry.

2.The learned counsel appearing for the petitioner would submit that the petitioner is presently working as a Manager in DCB Bank, Minjur and he previously worked in the State Bank. He has been working in various Corporate Banks in the level of Senior Executive. The petitioner learnt from her parents that her brother had indulged in job racketing scam for which the petitioner is unnecessarily harassed. The petitioner is prepared to appear before the 2nd respondent Police in any kind of enquiry.

3.The learned Government Advocate appearing for the respondents would submit that based on the complaint given by



4. Heard the learned Counsel for the petitioner and learned Government Advocate 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 her 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 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 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 IX)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2. The Inspector of Police,
District Crime Branch,
Thiruvallur District.

3. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.M.Purushothaman, Advocate, S.R.No.18013

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