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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.4451 OF 2022

M.Suresh Raja

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallur District.

2. The Inspector of Police,
Sengundram Police Station,
Thiruvallur District.

3. Priya

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent police herein not to harass the petitioner in Civil dispute.

For Petitioner : Mr.V.Kishore Kumar

For Respondent : Mr.E.Raj Thilak, for R1 & R2
Additional Public Prosecutor

O R D E R

This petition is filed seeking a direction to the second respondent herein not to harass the petitioner under civil dispute.

2. Learned counsel for the petitioner submitted that there is a monetary transaction between petitioner and one Sathya. Petitioner could not pay the amount in time. Therefore, in August' 2021 Sathya, her husband Sathyamoorthy, third respondent trespassed into the house of the petitioner and forcibly took four blank cheques with his signature along with Rs.100/- blank document paper, blank papers and an unfilled promissory note. On 05.02.2020, Sub Inspector of Police attached to the second



respondent Police Station directed the petitioner to repay the sum of Rs.11,00,000/- to Sathya through third respondent. Thus, the learned counsel for the petitioner submitted that it is a civil dispute and respondent police is harassing.

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3. Learned Additional Public Prosecutor submitted that C.S.R.No.68/22 is pending. He further submitted that the petitioner is not appearing for enquiry.

4. In view of the filing of CSR, pendency of enquiry, the petitioner is directed to appear before the enquiry.

5. It is the grievance of the petitioner that the respondent police have been harassing him under the guise of an enquiry/investigation and hence, he invoked the inherent powers of this Court under Section 482 of Cr.P.C.

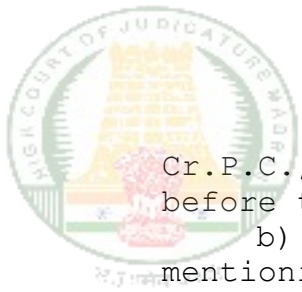
6. An enquiry into a non-cognizable offence or a cognizable offence is the unfettered powers of the Investigation Officers so long as the power to investigate/enquire into these offences are legitimately exercised within the framework of Chapter XII of the Code of Criminal Procedure. Though the Code 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 person named in a complaint.

7. This Court, exercising its power under Section 482 of the Criminal Procedure Code 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.

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.

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

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.

b) The respondents police are directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.

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 police 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-II)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Superintendent of Police,
Thiruvallur District.
2. The Inspector of Police,
Sengundram Police Station,
Thiruvallur District.
3. The Public Prosecutor,
Madras High Court,
Madras.

Cr1.O.P.No.4451 of 2022

GJ(CO)

RLP(18/03/2022)