



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.5876 of 2022

P.S.Sundar

...Petitioner

Vs.

State rep by,

1.The Commissioner of Police,
Chennai City Police,
Vepery,
Chennai 600 007.

2.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai 600 087.

...Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police not to harass the petitioner in view of civil dispute between the parties.

For Petitioner : Mr.M.Shreedhar

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

O R D E R

This Criminal Original Petition has been filed to direct the the second respondent police not to harass the petitioner in view of civil dispute between the parties.

2. The learned counsel appearing for the petitioner would submit that the second respondent harassed the petitioner under the guise of enquiry and thereby he seeks direction to the second respondent not to harass the petitioner under the guise of enquiry.

3. Mr.V.Meganathan, learned Government Advocate (Criminal side) appearing for the respondents would submit that on the complaint given by one Prasanna, enquiry has been conducted in C.S.R.No.326 of 2020 and the same is pending on the file of the second respondent. The said Prasanna also given a letter



4. Heard both sides and perused the materials available on record.

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 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.

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-IV)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1.The Commissioner of Police,
Chennai City Police,
Vepery,
Chennai 600 007.

2.The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai 600 087.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Camyles Gandhi, Advocate, S.R.No.17320

Cr1.O.P.No.5876 of 2022

PMK(CO)

RVM(25/03/2022)