



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6371 of 2022

K.P.Revathi

... Petitioner

Vs.

State represented by,

1.The Superintendent of Police,
Tiruvallur District.

2.The Inspector of Police,
Valasaravakkam Police Station,
Tiruvallur District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to instruct the second respondent not to harass the petitioner forthwith petitioner's representation dated 01.02.2022.

For Petitioner : Mr.D.Arul Prakash

For Respondents : Mr.V.Meganathan,
Government Advocate
(crl.side)

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to instruct the second respondent not to harass the petitioner forthwith petitioner's representation dated 01.02.2022.

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 first respondent would submit that on the complaint given by one of the flat owner, enquiry has been conducted in CSR No.421 of 2021 and the same is pending on the file of the second respondent. He would further submit that the respondent is not harassing the petitioner.

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

5. It is the grievance of the petitioner that the second respondent has been harassing her under the guise of enquiry/investigation and hence, have 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 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. 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 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.

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

