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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7923 OF 2022

Arun Alphine

... Petitioner

Vs.

State rep. By
The Inspector of Police (Crime),
Palavanthangal Police Station,
Palavanthangal, Chennai 600 061.

... Respondent

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent not to harass the petitioner at the instance of the alleged false and frivolous complaint lodged by the defacto complaint.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.V.Meganathan
Government Advocate (criminal side)

O R D E R

This Criminal Original Petition has been filed to direct the respondent not to harass the petitioner at the instance of the alleged false and frivolous complaint lodged by the defacto complaint.

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

3. Mr.V.Meganathan, learned Government Advocate (Criminal side) appearing for the respondent would submit that on the complaint given by one Shanmugasundaram, enquiry has been conducted in C.No.97/South Zone/TCOP camp petition/2022 and the



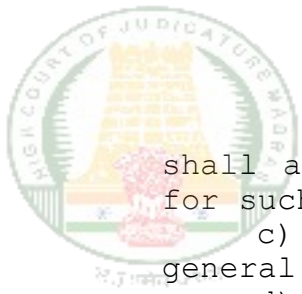
4. Heard both sides and perused the materials available on record.

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 for enquiry the guidelines stipulated for preliminary enquiry 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.

<https://hcservices.ecourts.gov.in/hcservices/>



shall also specify the date and time for appearing before them for such 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.

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 Inspector of Police (Crime),
Palavanthangal Police Station,
Palavanthangal, Chennai 600 061

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Thamaraiselvan, Advocate, S.R.No.23715

Cr1.O.P.No.7923 of 2022

GPL(CO)
PM/20/04/2022