



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8904 of 2022

1.Deivy

2.R.Karunakaran

... Petitioners

Vs.

State by  
The Inspector of Police,  
District Crime Branch,  
Tiruvannamalai,  
Tiruvannamalai District.

... Respondent

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Inspector of Police, District Crime Branch, Tiruvannamalai, Tiruvannamalai District, the respondent to not to harass the petitioner on the complaint lodged by Vijayan of RMR Hospitals.

For Petitioners : Mr.Y.Prakash

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

O R D E R

This Criminal Original Petition has been filed to direct the Inspector of Police, District Crime Branch, Tiruvannamalai, Tiruvannamalai District, the respondent to not to harass the petitioner on the complaint lodged by Vijayan of RMR Hospitals.

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

3. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (crl. side) would submit that on the complaint given by one Vijayan, enquiry has been conducted in C.No.61/DCB/TVM/2021 and the same is pending



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 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 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/>



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-V)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1.The Inspector of Police,  
District Crime Branch,  
Tiruvannamalai,  
Tiruvannamalai District.

2.The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.Y.Prakash, Advocate, S.R.No.26723

Cr1.O.P.No.8904 of 2022

SV(CO)  
SB(05/05/2022)