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W.P.No.14220 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.14220 of 2024

Ananthraj

... Petitioner

Vs.

1. The Inspector General of Police
Economic Offences Wing.
X Block Tower Park,
Anna Nagar, Chennai - 600 040.
2. The Deputy Superintendent of Police,
Economic Offences Wing, Perambalur.
3. The Inspector of Police
Economic Offences Wing, Ariyalur.
4. The Inspector of Police
Perambalur Police Station, Perambalur.

5. Shanthi

6. Parthiban

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent No.1 to instruct the respondent No.3 for not to harass the petitioner.

For Petitioner	: Dr.R.Alagumani
For R1 to R4	: Mr.S.Vinoth Kumar
	Government Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondent No.1 to instruct the respondent No.3 not to harass the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is being passed against the respondents 5 and 6, notice to the respondents 5 and 6 is dispensed with.

4. It appears that there is a money dispute/transaction between the petitioner and the fifth respondent herein. The petitioner has filed a complaint against the private respondents before the fourth respondent police herein and the same has been acknowledged by the official respondent in CSR No.288 of 2024. It also appears that the petitioner has filed a suit in O.S.No.07 of 2024 on the file of the District Munsif Court, Perambalur and that the private respondents have also lodged a complaint against the petitioner before the third respondent.



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



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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 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 minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

c) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.



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d)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.

10. With the abovesaid directions, the Writ Petition is disposed of.

There shall be no order as to costs.

11. Further, the third respondent police is directed to complete the enquiry on the complaint lodged by the fifth respondent as early as possible, preferably within a period of three weeks from today. The petitioner is also directed to co-operate with the official respondents herein for enquiry.

24.05.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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C.SARAVANAN, J.

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