



W.P.No. 2120 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2120 of 2025

T. Arul

... Petitioner

Versus

1. The Commissioner of Police
Tambaram City
Chennai-600 119.

2. The Assistant Commissioner of Police
Selayur Range, Chennai- 600 059.

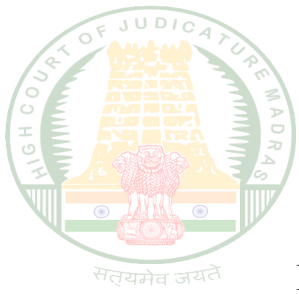
3.The Inspector of Police
Chitlapakkam Police Station
Chennai-600 064.

4.K. Padmanabhan
5.P.Varalakshmi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus directing the respondents 2 and 3 not to harass the petitioner in the guise of enquiry by exceeding their jurisdiction.

For Petitioner : M/s.Anitha Arunkumar



WEB COPY



W.P.No. 2120 of 2025

For RR1 to 3 : Mr.K.M.D.Muhilan
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 3/police not to harass the petitioner in connection with CSR.977 of 2024 pending on the file of Respondent Police.

2. The learned counsel appearing for the petitioner submits that the respondent police harassed the petitioner under the guise of enquiry.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that on the complaint given by the respondent Nos.4 and 5 against the petitioner, petition enquiry is pending in C.S.R.No.977 of 2024 on the file of the respondent police and thereafter, enquiry was conducted and the same was closed.

4. Heard the learned counsel appearing on either side and



W.P.No. 2120 of 2025

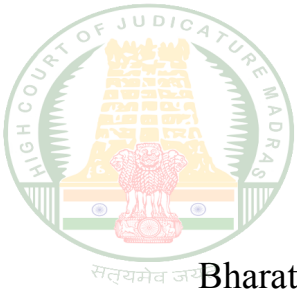
perused the materials placed on record.

WEB COPY

5. It is the grievance of the petitioner that the respondent police have been harassing the petitioner under the guise of enquiry/investigation and hence, he has invoked the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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/enquiry into these offences are legitimately exercised within the frame work of Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023. Though the Sanhita 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 528 of the



W.P.No. 2120 of 2025

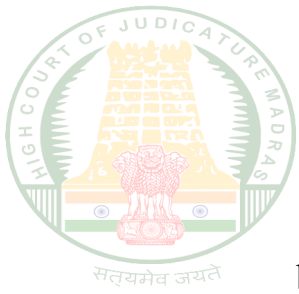
WEB COPY

Bharatiya Nagarik Suraksha Sanhita, 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 when it is brought to 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 179 of the Bharatiya Nagarik Suraksha Sanhita, specifying a particular date and time for appearing before them for such an enquiry/investigation.



W.P.No. 2120 of 2025

WEB COPY

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.

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.

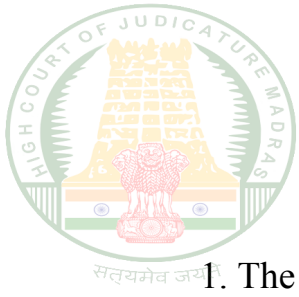
10. With the above observations and direction, the Criminal Original Petition stands disposed of.

03.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
MSM

To

Page 5 of 7



W.P.No. 2120 of 2025

1. The Commissioner of Police
Tambaram City
Chennai-600 119.

2. The Assistant Commissioner of Police
Selaiyur Range, Chennai- 600 059.

3. The Inspector of Police
Chitlapakkam Police Station
Chennai-600 064.

4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J

MSM



WEB COPY



W.P.No. 2120 of 2025

W.P.No. 2120 of 2025

03.03.2025