



*CrI.O.P.No.10054 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM:

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

CrI.O.P.No.10054 of 2025

J. Muthu Rajan

... Petitioner

Versus

1.The Inspector of Police (Crime),  
M-2, Madhavaram Milk Colony Police Station,  
MMC, Chennai – 51.

2.The Commissioner of Police,  
O/o.The City Police Commissioner,  
Avadi, Chennai – 54.

3.S. Dharani Babu

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the first respondent not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr. M. Arunkumar

For Respondents : Mr. R. Vinothraja, (for R1 to R2)  
Government Advocate (CrI. Side)



*Crl.O.P.No.10054 of 2025*

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## **ORDER**

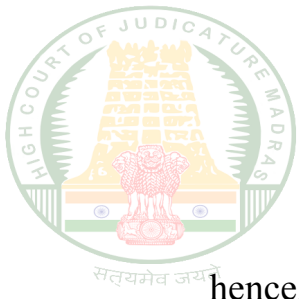
This Criminal Original Petition has been filed seeking a direction to direct the first respondent police not to harass the petitioner on the guise of enquiry.

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 defacto complainant against the petitioner, petition enquiry is pending at CSR stage on the file of the respondent police

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

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



*Crl.O.P.No.10054 of 2025*

WEB COPY

hence, 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 Bharatiya Nagarik Suraksha Sanhita, normally would not interfere with the investigation conducted by a police officer. Nevertheless, it would



*Crl.O.P.No.10054 of 2025*

WEB COPY

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 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.

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



Crl.O.P.No.10054 of 2025

WEB COPY

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.

**04.04.2025**

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

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*Crl.O.P.No.10054 of 2025*

WEB COPY

- To
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  - 3.The Public Prosecutor,  
High Court, Madras.



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*Crl.O.P.No.10054 of 2025*

**G.K.ILANTHIRAIYAN, J.**

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Crl.O.P.No.10054 of 2025

04.04.2025