



W.P.No.13605 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2025

CORAM:

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

W.P.No. 13605 of 2025

1.P.Kumar

2.Mahalakshmi

.... Petitioners

Vs

1.The Commissioner of Police  
O/o The Commissioner of Police,  
Elcot Sez., Karapakkam,  
Sholinganallur, Chennai 600 119.

2.The Inspector of Police,  
Tambaram Police Station,  
Chennai.

3.S.Sivaraman

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the second respondent from in any manner disturbing or threatening the petitioners in any manner on the complaint in CSR No.893 of 2024 now pending on the file of second respondent to whom no jurisdiction to entertain the complaint which is civil in nature.

For Petitioners : Mr.S.Balasubramanain



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For R1 and R2 : Mr.A.Gopinath  
Government Advocate (Crl. Side)

### **ORDER**

This petition has been filed seeking direction to the second respondent police not to harass the petitioners in connection with Crime No.Not known of 2025 pending on the file of second respondent police.

2. The learned counsel appearing for the petitioners submit that the second respondent police harassed the petitioners under the guise of enquiry.

3. The learned Government Advocate (Crl. Side) appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in C.S.R.No..893 of 2024 on the file of the second respondent police

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



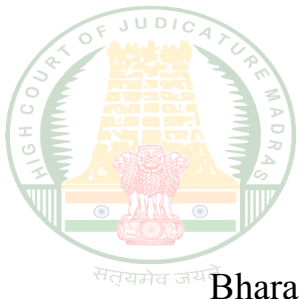
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5. It is the grievance of the petitioners that the second respondent police has been harassing them under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha 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



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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 is brought to its notice.

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 petitioners 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



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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, this writ Petition stands disposed of. No costs.

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



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

shk

To

1.The Commissioner of Police  
O/o The Commissioner of Police,  
Elcot Sez., Karapakkam,  
Sholinganallur, Chennai 600 119.

2.The Inspector of Police,  
Tambaram Police Station,  
Chennai.

3.The Public Prosecutor, High Court, Madras

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(1/2)