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W.P.Crl.No.665 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2026

CORAM:

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

WP.Crl.No.665 of 2026

K.M.Santhi

... Petitioner

Vs.

1.The District Superintendent of Police,
Salem District.

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.Sellamuthu
4.Vijayakumar

... Respondents

Prayer:

Writ Petition(Crl.) filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent not to harass the petitioner herein since the matter is civil in nature and to be decided in the suit filed by the petitioner in O.S.No.313/2019 on the file of Sub Cout, Mettur.

For Petitioner : Mr.C.Deepak Kumar



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For Respondents

For R1 & 2 : Mr.R.Ganesh Kumar,
Counsel for Government of
Tamil Nadu (Criminal Side)

For R3 : Mr.A.Ashok Kumar

For R4 : Mr.K.M.D.Muhilan
for Mr.M.Arun

ORDER

This writ petition has been filed praying to issue a direction to the 2nd respondent not to harass the petitioner herein since the matter is civil in nature and to be decided in the suit filed by the petitioner in O.S.No.313/2019 on the file of Sub Cout, Mettur.

2. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

3. It is the submission of the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for respondents 1 & 2 that though the complaint given by the petitioner was closed after conducting enquiry in CSR.No.167 of 2026, another complaint has been given against the petitioner, which is still pending on the complaint of the fourth respondent.



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4. However, it is the grievance of the petitioner that the respondents / police have been harassing her under the guise of an enquiry/investigation and hence, she has invoked the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. 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.

6. This Court, exercising its power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, normally would not interfere with



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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.

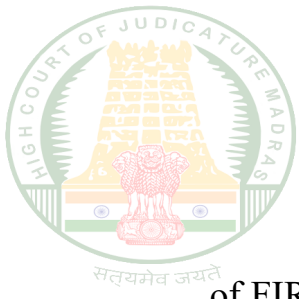
7. In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioner may not be the same to the police officer.

8. 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.

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.

9. With the above observations and direction, the Writ Petition

stands disposed of.

23.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The District Superintendent of Police,
Salem District.

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras

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