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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32248 of 2026

CNR:{HCMA012528892026}

A.Chinnadurai
S/o Ramasamy,
No.3/202, Main Road,
Namaiyur Village,
Kunnam Taluk, Perambalur District.

Case QR

..Petitioner(s)

Vs

1. The Superintendent of Police
   Perambalur District,
   Perambalur.

2. The Inspector of Police
   Naagudy Police Station,
   Aranthagi, Pudhukottai District.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the respondent not to harass, intimidate or repeatedly call the petitioner under the guise of enquiry in connection with the alleged cheating and the transactions referred to therein, and further direct the respondent to conduct any enquiry or investigation, if found necessary, strictly in accordance with law and due process, and thus render justice.

For Petitioner(s): Mr.K.Anbuselvan

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

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ORDER

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

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint lodged by the defacto complainant against the petitioner, petition enquiry is pending in C.No. SP/GDP/795/2026. He further submitted that the petitioner is the complainant in C.No.160/SPGDP/DCB/PLR/2026-Perambalur DCB on the file of the second respondent.

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 hence, has invoked the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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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 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.

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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.

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 off.

05-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

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To

1. The Superintendent of Police
Perambalur District,
Perambalur.

2. The Inspector of Police
Naagudy Police Station,
Aranthagi, Pudhukottai District.

3. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN J.

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