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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. 32530 of 2026

CNR:{HCMA012602172026}

Case QR

1. K.A.Thirupathi Raja
   S/o Ayyanar Raja

2. K.T.Rajam
   W/o K.A.Thirupathi Raja

3. K.T.Seenivasan
   S/o K.A.Thirupathi Raja

..Petitioner(s)

Vs

1. The Director General of Police,
   Santhome Beach Road,
   Santhome, Chennai.

2. The Superintendent of Police
   Salem District,
   Nethimedu, Salem District.

3. The Deputy Superintendent of Police
   District Crime Branch,
   Office of the Superintendent of Police,
   Nethimedu, Salem District.

4. The Inspector of Police
   District Crime Branch,
   Office of the Superintendent of Police,
   Nethimedu, Salem District.

5. N.Somasundaram

..Respondent(s)

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PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to issue a direction directing respondents 2 to 4 not to interfere in the civil dispute between the petitioners and the 5th respondent in the light of the orders passed by this Honble Court in the earlier proceeding in Crl.O.P.No.20161 of 2023, W.P.No.36578 of 2024 and W.P.(Crl.) No.1094 of 2025, and consequently direct respondents 2 to 4 not to harass the petitioners under the guise of enquiry at the instance of the 5th respondent and pass such further and other orders as this Hon'ble Court deem fit and proper in the circumstances and thus render justice.

For Petitioner(s): Mr.A.Rajakumar
For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor for R1 to R4
Mr.T.Saravanan for R5

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 2 to 4 not to harass the petitioners under the guise of enquiry.

2. The learned counsel appearing for the petitioners submits that the respondents 2 to 4 harassed the petitioners under the guise of enquiry.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submits that on the complaint lodged by the fifth respondent against the petitioners, petition enquiry is pending in C.No.G2/702/15974158/2026 and C.No.19/DCB/G2/2026 on the file of the fourth respondent.

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

5. It is the grievance of the petitioners 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.

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

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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 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.

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

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

LPP

1. The Director General of Police,
Santhome Beach Road,
Santhome, Chennai.

2. The Superintendent of Police
Salem District,
Nethimedu, Salem District.

3. The Deputy Superintendent of Police
District Crime Branch,
Office of the Superintendent of Police,
Nethimedu, Salem District.

4. The Inspector of Police
District Crime Branch,
Office of the Superintendent of Police,
Nethimedu, Salem District.

5. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN J.

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