WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32227 of 2026

CNR:{HCMA012613722026}

Case QR

1. P.Indirani
   W/o Palanisamy,
   No.105/10, Thennanthoppu,
   Near Chithode Naal Road,
   Chithode Post,
   Erode District.

2. A.Palainsamy
   S/o Arumuga Gounder,
   No.105/10, Thennanthoppu,
   Near Chithode Naal Road,
   Chithode(Post),
   Erode District.

..Petitioner(s)

Vs

1. The State Rep. by,
   The Commissioner of Police
   Coimbatore.

2. The Inspector of Police
   Singanallur Police Station,
   Coimbatore District.

3. The District Superintendent of Police
   Namakkal District.

4. K.Velu
   S/o Kuppusamy,
   No.27/5, HIG, Sowripalayam Housing Unit,
   Peelamedu,
   Coimbatore.

..Respondent(s)

https://www.mhc.tn.gov.in/judis

WEB COPY

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the 2nd Respondent herein not to harass the Petitioners under the guise of the enquiry and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.C.Munusamy
For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor for R1 to R3

ORDER

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

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

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the fourth respondent against the petitioners, petition enquiry is pending in C.No.115/AC Ref/SIR Direct Petition/2026.

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

https://www.mhc.tn.gov.in/judis

WEB COPY

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 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

https://www.mhc.tn.gov.in/judis

Order QR
WEB COPY

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

To

1. The Commissioner of Police
Coimbatore.

2. The Inspector of Police
Singanallur Police Station,
Coimbatore District.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The District Superintendent of Police
Namakkal District.

4. The Public Prosecutor,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

LPP

CRL OP No. 32227 of 2026

05-11-2026

https://www.mhc.tn.gov.in/judis