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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

Case QR

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32570 of 2026

CNR: {HCMA012637582026}

Bhuvaneshwari
W/o Santharam,
No.2850, TNHB,
Avadi,
Tiruvallur.

..Petitioner(s)

Vs

1. The State Rep by The Commissioner of Police
   Avadi Commissionarate,
   Avadi,
   Tiruvallur.
2. The Assistant Commissioner of Police
   Avadi Zone, Avadi,
   Tiruvallur.

3. The Inspector of Police
   T6, Avadi Police Station,
   Tiruvallur.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the 2nd and 3rd Respondent not to harass the petitioner in respect of enquiry and pass such further or other orders.

For Petitioner(s): Mr. K.Anand

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

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ORDER

This petition has been filed seeking direction to the respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel appearing for the petitioners submits that the 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 defacto complainant against the petitioners, petition enquiry is pending on the file of the respondent police

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.

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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 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.

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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.

10-11-2026

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

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To.

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   Avadi,
   Tiruvallur.
2. The Assistant Commissioner of Police
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3. The Inspector of Police
   T6, Avadi Police Station,
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4. The Public Prosecutor,
   High court, Madras

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G.K.ILANTHIRAIYAN, J.

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