Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-11-2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**CRL OP No. 33993 of 2026**

CNR:{HCMA012756662026}

T.R.Sudarsanam
S/o.Rangaiya,
No.2,New Bus Stand,
Sriperumbudur Taluk,
Kancheepuram District.

Case QR

..Petitioner(s)

Vs

1. State Rep.by, The Superintendent of Police,
   Cuddalore District,
   Cuddalore.

2. The Deputy Superintendent of Police,
   Neyveli,
   Cuddalore.

3. The Inspector of Police,
   Vadalur Police Station,
   Cuddalore District.

..Respondent(s)

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS, praying to direct the 3rd Respondent, Inspector of Police, Vadalur Police Station, Cuddalore District not to harass the petitioner under the guise of enquiry.

For Petitioner(s): Mr.K.M.Balaji

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



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

WEB COPY



**Order**

This petition has been filed seeking direction to the third respondent police not to harass the petitioner in connection with Crime No.Not known of 2026 pending on the file of Respondent Police.

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

3.The learned Additional Public Prosecutor appearing for the respondents police submits that on the complaint given by the defacto complainant against the petitioner, petition enquiry is pending in C.S.R.No.1033 of 2026 on the file of the respondents police.

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 respondents 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.



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

WEB COPY

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.



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

WEB COPY

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.

**20-11-2026**

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

AH



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

WEB COPY

To

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Deputy Superintendent of Police,
Neyveli,
Cuddalore.

3.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court,
Madras.



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

WEB COPY



**G.K.ILANTHIRAIYAN J.**

**AH**

**CRL OP No. 33993 of 2026**

**20-11-2026**



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