

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1891 of 2026

R.Raja
S/o.Ramen,
No.4/9, Nu Tech Apartment,
Raman Street, Pondy Bazar,
T.Nagar, Chennai - 600017.

..Petitioner(s)

Vs

1. The Commissioner of Police,
132, EVK Sampath Salai,
Vepery, Chennai - 600007.
2. The Deputy Commissioner of Police,
1st Floor, R-1 Mambalam Police Station,
T.Nagar, Chennai - 600017.
3. The Inspector of Police (L and O)
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600017.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondents to consider the Petitioner representation dated 20.06.2026 and pass such further or other orders as this Honble Court may deem fit and proper and thus render justice.

For Petitioner(s): M/s.L.Infant Dinesh

For Respondent(s): Mr.R.Ganesh Kumar
Counsel for Government for R1 to R3



ORDER

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This Writ Petition has been filed seeking direction to consider the Petitioner representation dated 20.06.2026.

2. 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.

3. 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.



4. 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.

5. 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.

6. 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.

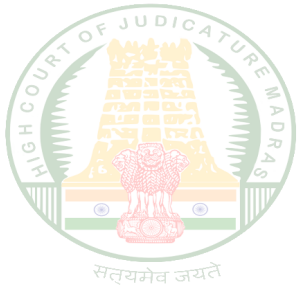
7. With the above direction, this Writ Petition is disposed of. No costs.

03-08-2026

SMA

To

1. The Commissioner of Police,
132, EVK Sampath Salai,
Vepery, Chennai - 600007.
2. The Deputy Commissioner of Police,
1st Floor, R-1 Mambalam Police Station,
T.Nagar, Chennai - 600017.
3. The Inspector of Police (L and O)
R-1 Mambalam Police Station,
T.Nagar, Chennai - 600017.
4. The Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

SMA

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