



CrI.O.P.(MD)No.3555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.3555 of 2024

Senkottai Muniyasamy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram District.

3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.Mariappan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.N.Vijayalakshmi

For R1 to R3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R4 : Mr.S.Muniyandi



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ORDER

The petitioner, with an allegation that the third respondent police is harassing him under the guise of an enquiry has approached this Court.

2.The learned counsel appearing for the petitioner submits that a civil dispute is pending between the petitioner and the fourth respondent and a suit in O.S.No.206 of 2024 is also pending before the Principal District Munsif Court, Ramanathapuram.

3.The learned Additional Public Prosecutor submits based on the complaint given by the fourth respondent petition enquiry is pending in No.72 of 2024.

4.The Police get the power of enquiry / investigation only on registration of FIR. In Lalitha Kumari Vs Government of Uttar Pradesh and others reported in (2013) 14 SCR 801, the Hon'ble Supreme Court permitted the Station House Offices to conduct preliminary enquiry on certain nature of complaints like matrimonial dispute, commercial



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disputes, medical negligence etc.,. However complaints of civil in nature are entertained and these petition enquiries are also prolonged for several months. The Police Standing Order PSO.No.562 prohibits investigation in the cases of civil in nature. Circulars are also issued by the Additional Director General of Police in Circular NO.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 that the police are strictly refrained from enquiring or entertaining in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute.,etc.,

5.These circulars also caution police officer that any petition enquiry without endorsement of Superintendent of Police / Commissioner of Police on civil matters would be considered illegal and will attract disciplinary action.

6.Therefore, it is the responsibility of the superior officers like Deputy Superintendent of Police, Additional Superintendent of Police, Superintendent of Police and Commissioner of Police to ensure that these instructions of the Additional Director General of Police in Circular No.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 are strictly complied with.



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08.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
gns



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- 3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

gns

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