



CrI.O.P.(MD)No.3586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.3586 of 2024

C.Ananth

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai District.

2.The Inspector of Police,
Central Crime Branch,
Madurai City.

3.J.Arunkoushick

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner

: Mr.J.Jeyakumaran

For R1 & R2

: Mr.T.Senthil Kumar
Additional Public Prosecutor

For R3

: Mr.R.M.Arun Swaminadhan



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ORDER

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

2.The learned Additional Public Prosecutor appearing for the official respondents submits that as per the direction given by the learned Judicial Magistrate No.I, Madurai under Section 156(3) Cr.P.C., an enquiry was initiated and the same is pending.

3.The learned counsel appearing for the third respondent submits that there was a business transaction between the petitioner and the third respondent and the petitioner failed to settle the profit amount.

4.The learned counsel appearing for the petitioner submits that the petitioner has already filed a suit in O.S.No.888 of 2022 before the learned Principal District Munsif, Madurai for permanent injunction.

5.Heard the learned counsel on either side and perused the materials available in the records.



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6.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 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.,

7.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.



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9. In view of the above, the second respondent Police shall conclude the petition enquiry within a period of six weeks. This petition is closed with the above directions.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

- 1.The Commissioner of Police,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
Central Crime Branch,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

gns

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