

Crl.O.P.(MD)No.4088 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

Crl.O.P.(MD)No.4088 of 2024

Sakthivel

... Petitioner

Vs.

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

2.The State Reb.by
The Inspector fo Police,
Sivagiri Police Station,
Tenkasi District.

3.Senthil Kumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent Police not to harass the petitioner and his family members under the guise of enquiry, based on the petitioner's complaint dated 28.02.2024.

For Petitioner

: Mr.R.Rajeshkumar

For R1 & R2

: Mr.T.Senthil Kumar
Additional Public Prosecutor



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 based on the complaint given by the third respondent, enquiry has been initiated and the same is pending.

3.The learned counsel appearing for the petitioner submits that the dispute between the petitioner and the third respondent is purely civil in nature and the second respondent Police is interfering with the same.

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 disputes, medical negligence etc.,. However complaints of civil in nature are entertained and these petition enquiries are also prolonged for several



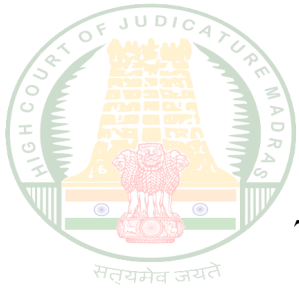
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months. The Police Standing Order PSO.No.562 prohibits investigation in the cases of civil in nature. Circulars are also issued by the Additional Director General of Police in Circular NO.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 that the police are 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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7. In view of the above, the 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
gns

To

1. The Superintendent of Police,
Tenkasi, Tenkasi District.
2. The State Rep. by
The Inspector fo Police,
Sivagiri Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

gns

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