



Cr1.O.P. (MD) No. 5055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P. (MD) No. 5055 of 2024

1. K.Sakthi Vairavan
2. Panjavarnam
3. A.P.Kalimuthu
4. S.Vijayalakshmi
5. Arun Balaji
6. K.Packiya Lakshmi
7. Annapurani

... Petitioners

versus

1. The Superintendent of Police,
O/o. Superintendent of Police,
Surveyor Colony,
Moondrumavadi,
Madurai - 625 007.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Thirumangalam,
Madurai.
3. State Rep. by its
The Inspector of Police (AWPS)
All Women Police Station,
Thirumangalam,
Madurai District.

4. Indradevi

... Respondents



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Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 to 3 not to harass the petitioners herein under the guise of frivolous complaint of the 4th respondent without following the ratio laid down by the Hon'ble Supreme Court in a Judgment reported in (2014) 8 SCC 273 (Arnesh Kumar vs. State of Bihar).

For Petitioners : Mr.Niranjan S.Kumar

For R1 to R3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioners have approached this Court that in a matrimonial dispute, the respondents Police are harassing them under the guise of enquiry.

2. The learned Additional Public Prosecutor submits that on a complaint given by the 4th respondent, petition enquiry is pending in CSR No.23 of 2024 and for the enquiry, the petitioners have been summoned and the respondent Police is not harassing the petitioners.



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3. The Police get the power of enquiry / investigation only on registration of an 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 Officers 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.,

4. These circulars also caution police officer that any petition enquiry without endorsement of



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Superintendent of Police / Commissioner of Police on civil matters would be considered illegal and will attract disciplinary action.

5. 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.

6. In any event, as per the circular issued by the Director General of Police in R.C.No.226313/Crime 4(3)/2013, dated 26.07.2018, a petition enquiry should be concluded within a period of 15 days in usual circumstances and within six weeks in exceptional cases.

7. In view of the above, the respondent Police shall conclude the petition enquiry within a period of

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three weeks. The petitioners and 4th respondent are directed to co-operate with the enquiry. During the course of enquiry, the respondent police is expected not to harass the petitioners.

8. With the above direction, this Criminal Original Petition is closed.

18.04.2024

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

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2. The Deputy Superintendent of Police,
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3. The Inspector of Police (AWPS)
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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