



CrI.O.P.(MD)No.4989 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4989 of 2024

Rajasekar

... Petitioner

Vs.

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

2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

...Respondents.

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the second respondent herein not to harass the petitioners and his family members on the guise of enquiry and consider the petitioner's representation, dated 21.03.2024.

For Petitioner

: Mr.P.Manikandan

For Respondents

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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

2.The learned Additional Public Prosecutor appearing for the respondents submits that the petitioner is a habitual offender and totally five cases are pending as against him and therefore, summons under Section 160(1) of Cr.P.C was issued to the petitioner on 21.03.2024.

3.The learned counsel for the petitioner has disputed the same and submits that the petitioner has not received any summons from the respondent police.

4.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,



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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.,

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



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Circular No.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 are strictly complied with.

7.In view of the above, the petitioner is directed to appear before the respondent police on 19.04.2024 for an enquiry and the respondent Police shall conclude the petition enquiry within a period of six weeks.

8.Accordingly this criminal original petition is disposed of.

01.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



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Dindigul.
- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

vrn

Order made in
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