



CrI.O.P.(MD)No.5324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5324 of 2024

Pitchaikannu

... Petitioner

Vs.

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

2.The Inspector of Police,
Panagudi Police Station,
Tirunelvlei, Tirunelveli District.

3.S.Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioner under the guise of enquiry with regard to the complaint given by the fourth respondent based on the petitioner's representation, dated 25.03.2024.

For Petitioner : Mr.P.Rajesh

For R-1 & R-2 : Mr.T.Senthilkumar
Additional Public Prosecutor



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ORDER

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

2.The learned Additional Public Prosecutor submits that based on a complaint, petition enquiry is pending against the petitioner.

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



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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 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 view of the above, the petitioner shall appear before the second respondent police on 24.04.2024 for enquiry. The second respondent police shall not harass the petitioner. The second respondent Police has to conduct an enquiry and to find out the real truth and proceed to take proper action as per the instructions of the Additional Director General of Police in Circular No.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 and to file a report before this Court on 30.04.2024.



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7. Accordingly this criminal original petition is disposed of.

8. Post the matter on 30.04.2024 under the caption “for reporting compliance”.

05.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj

To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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