



CrI.O.P.(MD)No.5753 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5753 of 2024

S.Jeyakumar

... Petitioner

Vs.

1.The Superintendent of Police,
SP Office-Madurai,
Madurai.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai.

3.R.Selvakumar

...Respondents

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

For Petitioner

: Mr.Shaazim Shagar

For R1 & R2

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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



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2.The learned Additional Public Prosecutor submits that a petition enquiry is pending against the petitioner in Current Paper No.G5/1063E7080/269/24, dated 22.02.2024. They are conducting an enquiry based on this current paper and they are not harassing the petitioner. By referring the representation of the petitioner, he further submits that there is no allegation as against the police officials that they are harassing.

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.,



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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. The police are not expected to keep the petition enquiry pending for more than six weeks. It appears that the current paper enquiry dated 22.02.2024 is kept pending for more than two months and it appears no case has been registered as against this petitioner as on date.

7. In view of the above position, this petition is disposed of with a direction to the respondent police not to harass the petitioner.

16.04.2024

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

<https://www.mhc.tn.gov.in/judis>



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B.PUGALENDHI,J

sjj

To

- 1.The Superintendent of Police,
SP Office-Madurai,
Madurai.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.5753 of 2024

16.04.2024