



CrI.O.P.(MD) No.5966 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5966 of 2024

R.Kasirajan

... Petitioner

Vs

1. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Madurai District.

3. M.Balamurugan

4.The Director General of Police, *
Chennai.

*(*R4 suo-motu impleaded as party as per
order of this Court, dated 22.04.2024)*

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st respondent to issue necessary direction to the 2nd respondent to not to harass the Petitioner herein under the guise of enquiry in the civil dispute pending between the Petitioner based on the representation made to the respondents 1 and 2.

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For Petitioner : Mr. K.Suresh

For R1,R2,R4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner has approached this Court that the respondent police are harassing him under the guise of enquiry, on account of a civil dispute.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that a Current Paper enquiry is pending as against the petitioner from 10.07.2023. However, the respondent Police are not harassing the petitioner.

3.The Police gets 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



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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 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.



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6.In the event that if the complaint against the petitioner disclose any cognizable offence, the respondents can register a case and summon the petitioner to appear for enquiry under Section 41(A) of Cr.P.C. However, the respondents are not expected to call upon the petitioner for enquiry without issuance of summons.

7.In any event, the respondent Police are not expected to keep a petition pending for enquiry for more than a period of six weeks. As per the circular issued by the Director General of Police, Tamil Nadu in Rc.No. 226313/Crime 4(3)/2013, dated 26.07.2018, a petition enquiry should be completed within a period of 15 days in usual cases and within a period of six weeks in exceptional cases. However, in the case on hand, the respondent Police appears to have keeping a petition enquiry pending for more than seven months.

8.Therefore, this Court *suo-motu* impleaded the Director General of Police, Chennai as fourth respondent in the petition and Mr. Mr.E.Antony Sahaya Prabahar, the Additional Public Prosecutor is directed to take notice on behalf of the newly impleaded fourth respondent.



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9.The Director General of Police, Chennai shall look into the manner, in which, a petition enquiry is conducted by the respondent Police for more than seven months.

10.In fine, this Criminal Original Petition stands disposed of with a direction to the respondent Police not to harass the petitioner.

22.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

Note: Registry is directed to make necessary amendment before issuing the order copy.

PNM

To

1.The Director General of Police,
Chennai.

2. The Superintendent of Police,
Madurai District.

3. The Inspector of Police,
District Crime Branch, Office of the Superintendent of Police,
Madurai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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B.PUGALENDHI, J.

PNM

ORDER IN
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