



CrI.O.P.(MD) No.5830 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5830 of 2024

Jacob Jegan

... Petitioner

Vs

1. The Superintendent of Police,
O/o.The Superintendent of Police,
District Collectorate, Dindigul.

2. The Inspector of Police,
District Crime Branch,
Dindigul District.

3. The Inspector of Police,
Ammaiahnaickanur Police Station,
Dindigul District.

4. Thambiraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction directing the 3rd Respondent not to harass the petitioner under the guise of enquiry based on the complaint given by the 4th respondent.



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For Petitioner : Mr.V. Karuna

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

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

2.The learned Additional Public Prosecutor submits that based on a complaint given by the 4th respondent, petition enquiry is pending against the petitioner in C.S.R.No.163 of 2024. The petitioner is not harassed by the respondents.

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 view of the above, the respondent Police shall conclude the petition enquiry within a period of six weeks.

8.Accordingly this criminal original petition is disposed of.

17.04.2024

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



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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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