



CRL OP(MD). No.5736 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5736 of 2024

M.Sakthisaravanan

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
District Crime Branch,
Tiruchirappalli District.

...Respondent/Complainant

For Petitioner : Mr.D.SHANMUGARAJA SETHUPATHI,
Advocate.

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate (Crl.Side)

For Intervenor : Mr.BALAJI, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. not known of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 468 and 471 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that one Ramesh has entered into a sale

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



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agreement with the petitioner and he has also paid a sum of Rs.10,00,000/- to the petitioner. At the time of sale agreement, the petitioner has handed over a title document of the property and on verification, it was found that the document is a fabricated one.

3.The learned counsel appearing for the petitioner submits that the petitioner has never executed a sale agreement with Ramesh. In fact, the said Ramesh has fraudulently created a sale agreement by fabricating the stamp papers.

4.The learned Additional Public Prosecutor submits that a petition enquiry is pending as against this petitioner in Current Paper No.G.4/5901/4/2/2024, dated 17.02.2024. Summons was issued to the petitioner to appear before the respondent police for an enquiry on 27.02.2024. However, the petitioner has not appeared for the enquiry. Therefore, the enquiry could not be completed.

5.In reply, the learned counsel for the petitioner submits that the petitioner has appeared twice before the respondent police. The dispute is purely civil in nature and a criminal colour has been given and this case has been registered as against this petitioner.

6.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



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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.,

7.In the event, if the petitioner enquiry could not be completed within a period of four weeks, the respondent police is not supposed to prolong the investigation by keeping the petition enquiry pending.

8.In view of the above, this Criminal Original petition is closed that as on date no case has been registered as against this petitioner. The respondent police shall not arrest the petitioner. In the event, if they register a case as against this petitioner, a notice under Section 41A of Cr.P.C shall be issued to the petitioner.

sd/-
16/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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VRN

TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUCHIRAPPALLI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.5736 of 2024
Date :16/04/2024

SA/VR/SAR. /23.04.2024/4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.