



Crl.O.P.(MD)No.5982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.5982 of 2024

S.Sivakumar

... Petitioner

versus

1. The Commissioner of Police,
O/o. The Commissioner of Police,
Tiruchirappalli District.
2. The Assistant Commissioner of Police,
K.K.Nagar Range (L&O),
Trichy City,
Tiruchirappalli District.
3. The Inspector of Police,
K.K.Nagar Police Station,
Tiruchirappalli District.
4. Jalakumari
5. Hema
6. Dhineshkumar

... Respondents



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Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 to 3 not to harass the petitioner and his family members, under the guise of enquiry by interfering his father Shanmugam's property in the civil nature.

For Petitioner : Mr.T.P.Balasubramanian

For R1 to R3 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner has approached this Court that the respondents 1 to 3 are harassing him under the guise of an enquiry.

2.The learned Government Advocate (Crl. side) 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



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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.,

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.



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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 respondent Police shall conclude the petition enquiry within a period of four weeks from the date of receipt of a copy of this order. Accordingly this criminal original petition is disposed of.

18.04.2024

NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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



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B.PUGALENDHI, J.

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