



CrI.O.P.(MD)No.6118 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.6118 of 2024

Kannan

... Petitioner

Vs.

1.State of Tamil Nadu Rep by
The Inspector of Police,
E5, Mattuthavani Police Station,
Madurai City, Madurai.

2.Sathish

3.Venkatesan

4.Krishnan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent not to harass the petitioner in the guise of enquiry based on the petitioner's representation dated 12.03.2024.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For R2 : Mr.K.K.Udayakumar

For R3 : No Appearance



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ORDER

The petitioner, with an allegation that the first respondent police is harassing him under the guise of an enquiry, has approached this Court.

2.The learned counsel appearing for the petitioner submits that there is a property dispute between the private respondents and the petitioner and hence, the petitioner preferred a complaint as against the second respondent. The second respondent, in turn, preferred a complaint as against the petitioner.

3.According to the Government Advocate(CrI.side), based on the complaint given by the second respondent, the first respondent initiated an enquiry as against the petitioner on 07.03.2024 in CSR.No.221 of 2024 and the same is pending.

4.It appears that there is a property dispute between the parties. The Police get the power of enquiry / investigation only on registration of an FIR. In Lalitha Kumari Vs Government of Uttar Pradesh and



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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.,

5.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.

6.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



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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.

7.In view of the above, the first respondent shall conclude the petition enquiry within a period of three weeks. It is open to the first respondents to register a case, if any cognizable offences are made out. The petitioner shall not be harassed during the course of the enquiry. Accordingly this criminal original petition is allowed.

20.06.2024

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

- 1.The Inspector of Police,
E5, Mattuthavani Police Station,
Madurai City, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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