



CrI.O.P.(MD) No.6192 of 2024

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD) No.6192 of 2024

Gopal @ Gopalakrishnan

... Petitioner

-VS-

State rep.by

1.The Commissioner of Police
Madurai City
Madurai

2.The Assistant Commissioner of Police
Thideernagar Range
S.S.Colony Police Station
Madurai City

3.The Inspector of Police
S.S.Colony Police Station
Madurai City

4.C.Santhoskumar

5.C.Seeniyammal

6.S.Amutha

... Respondents

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PRAYER: Petition filed under Section to 482 of the Code of Criminal Procedure to direct the respondents not to harass the petitioner under the guise of the enquiry and consider the petitioner's representation dated 06.04.2024.

For Petitioner : Mr.J.M.Arvind Pawlraj

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 to R3

ORDER

The petitioner has approached this Court to direct the respondents not to harass him under the guise of the enquiry and consider the petitioner's representation dated 06.04.2024.

2. The learned Additional Public Prosecutor 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



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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 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 two weeks from the date of receipt of copy of this order. In the event, if any cognizable offence is made out, it is open to the respondent police to register the case. The right of summoning the accused would arise only after registering the case.

7. Accordingly, this criminal original petition is closed.

23.04.2024

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

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Assistant Commissioner of Police,
Thideernagar Range,
S.S.Colony Police Station,
Madurai City.
- 3.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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