



CrI.O.P.(MD) No.6303 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD) No.6303 of 2024

1.Poovarasam
2.Vinothkumar

... Petitioners

-VS-

1. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Palamedu Police Station,
Madurai District.

3.Raja
4.Valanadu

.. Respondents

PRAYER: Petition filed under Section to 482 of the Code of Criminal Procedure to directing the second respondent not to harass the petitioners and their family members based on the false complaint given by the third and fourth respondents under the guise of enquiry.



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For Petitioners : Mr.P.Manikandan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1 and R2

ORDER

The petitioners have approached this Court that the respondent police is harassing them under the guise of an enquiry.

2. The learned Additional Public Prosecutor submits that based on a complaint, petition enquiry is pending against the petitioners.

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 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 view of the above, the respondent Police shall conclude the petition enquiry within a period of three weeks from the date of receipt of copy of this order. With the above directions, this criminal original petition is closed.

24.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
LS

To:

1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Palamedu Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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