



CrI.O.P.(MD) No.6223 of 2024

WEB CODE: **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD) No.6223 of 2024

Muniyaraj

... Petitioner

-vs-

1. The Superintendent of Police,
Sivaangai District.

2. The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.

3.Muniyasamy

... Respondents

PRAYER: Petition filed under Section to 482 of the Code of Criminal Procedure, to direct the second respondent herein to not to harass the petitioner on the guise of the enquiry in pursuance to the complaint lodged by the third respondent.

For Petitioner : Mr.C.Senthil Murugan

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

Page 1 of 5



CrI.O.P.(MD) No.6223 of 2024

WEB COPY

ORDER

The petitioner has approached this Court that the respondent police is harassing him under the guise of an enquiry, in pursuance of the complaint lodged by the 3rd respondent.

2. The learned Additional Public Prosecutor submits that the petitioner has lodged a complaint before the respondent police as against the 3rd respondent that he has given Rs.8,00,000/- for construction of buildings to the 3rd respondent. But, the 3rd respondent has not constructed the building, in turn, he has also lodged a complaint against the petitioner that the petitioner was working with him and he has misappropriated a sum of Rs.8,00,000/-. According to the learned Additional Public Prosecutor, the petition enquiry is pending before the respondent police.

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



CrI.O.P.(MD) No.6223 of 2024

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.

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



CrI.O.P.(MD) No.6223 of 2024

WEB COPY 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. 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,
Sivaangai District.
2. The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD) No.6223 of 2024

B.PUGALENDHI, J.

LS

CrI.O.P.(MD) No.6223 of 2024

24.04.2024