



W.P.(MD)No.11468 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.11468 of 2024

T.Prem

... Petitioner

Vs.

1.The Superintendent of Police,  
Kanyakumari District,  
At Nagercoil.

2.The Deputy Superintendent of Police,  
Thuckalay, Kanyakumari District.

3.Christu Raj

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to direct the respondents not to harass the petitioner by interfering with civil dispute by considering the representation of the petitioner dated 20.05.2024.

For Petitioner

: Mr.S.C.Herold Singh

For R1 & R2

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

For R3

: Mr.Dilip Kumar



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## **ORDER**

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

2.The learned Government Advocate(Crl.side) appearing for the official respondents submits that there is a property dispute between the petitioner and the third respondent and hence, the third respondent lodged a complaint. Based on which an enquiry has also been initiated on 07.04.2024 and the same is pending.

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 entertained and these petition enquiries are also prolonged for several months. The Police Standing Order PSO.No.562



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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 official respondents shall conclude the petition enquiry within a period of four weeks. It is open to the official 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 writ petition is allowed. No costs.

**24.06.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes  
gns

To

1. The Superintendent of Police,  
Kanyakumari District,  
At Nagercoil.
2. The Deputy Superintendent of Police,  
Thuckalay, Kanyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

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