



Crl.O.P.(MD)No.8318 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8318 of 2024

Latchaka

... Petitioner

Vs.

1. The Superintendent of Police
Theni District.

2. The Inspector of Police
Gudalore South Police Station,
Theni District.

3. Murugesan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to not to harass the petitioner in the guise of enquiry on the basis of the false complaint given by the 3rd respondent.

For Petitioner : Mr.B.Mahendrarajan

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner has approached this Court that the respondent police are harassing her under the guise of an enquiry.



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WEB COPY 2. The learned Additional Public Prosecutor submits that based on a complaint, petition enquiry is pending as 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 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.,



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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.

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. The respondent police shall not harass the petitioner during the course of enquiry. Accordingly this criminal original petition is disposed of.

07.06.2024

NCC : Yes/No

Index : Yes/No

JS

<https://www.mhc.tn.gov.in/judis>



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B.PUGALENDHI,J

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To

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

Order made in
Crl.O.P.(MD)No.8318 of 2024

07.06.2024