



Crl.O.P.(MD)No.8955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8955 of 2024

Mageswari

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam Division, Madurai.

3.Punitha

4.Paul Raj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein not to harass the petitioner and her family members her related persons on the guise of the enquiry except in accordance with law.

For Petitioner

: Mr.M.Shakul Hameed

For R1 & R2

: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



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ORDER

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

2.The learned Additional Public Prosecutor appearing for the official respondents submits that there was a money dispute between the petitioner and the private respondents and hence, the fourth respondent preferred a complaint, based on which, an enquiry has been initiated in CSR.No.264 of 2024 dated 10.06.2024 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 prohibits investigation in the cases of civil in nature. Circulars are also



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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.

6.In view of the above, the official respondents shall conclude the petition enquiry within a period of six weeks. It is open to the official



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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 criminal original petition is allowed.

20.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

gns

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tallakulam Division, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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