



CrI.O.P.(MD)No.8981 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

CrI.O.P.(MD)No.8981 of 2024

1.D.Pandiyaraj

2.Anithra

3.M.Padmanabhan

... Petitioners

Vs.

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Deputy Superintendent of Police,
District Crime Branch-II,
Office of the Superintendent of Police,
Dindigul District.

3.The Sub-Inspector of Police,
District Crime Branch-II,
Office of the Superintendent of Police,
Dindigul District.

4.K.Kannan

5.D.Anbu @ Anbarasu

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first to third respondents Police not to harass the petitioners in the guise of enquiry.



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For Petitioners : Mr.K.Ragatheesh Kumar
For R1 to R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The petitioners, with an allegation that the official respondents are harassing them under the guise of an enquiry, have approached this Court.

2.The learned Additional Public Prosecutor submits that based on a complaint lodged by the private respondents, petition enquiry in C.No.G3/783/16042/2024 dated 27.05.2024 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



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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 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 third respondent Police shall conclude the petition enquiry within a period of four weeks. The petitioners 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 Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Deputy Superintendent of Police,
District Crime Branch-II,
Office of the Superintendent of Police,
Dindigul District.
- 3.The Sub-Inspector of Police,
District Crime Branch-II,
Office of the Superintendent of Police,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

gns

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