



CrI.O.P.(MD)No.8960 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

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

CrI.O.P.(MD)No.8960 of 2024

J.Muralidharan

... Petitioner

Vs.

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

2.The Inspector of Police,  
Ramanathapuram Town Police Station,  
Ramanathapuram District.

3.The Cluster Manager,  
OLA Electric Technology Ltd,  
Ramanathapuram.

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioner under the guise of enquiry considering the petitioner's representation dated 07.06.2024.

For Petitioner

: Mr.T.Veerakumar

For R1 & R2

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



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## ORDER

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

2.The learned Additional Public Prosecutor appearing for the official respondents submits that based on the complaint given by the third respondent, an enquiry has been initiated as against the petitioner in CSR.No.134 of 2024 on 17.05.2024 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 second respondent shall conclude the petition enquiry within a period of six weeks. It is open to the second respondent 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



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To

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- 2.The Inspector of Police,  
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Ramanathapuram District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

gns

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