



CRL.O.P (MD) No.9175 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9175 of 2024

Balasubramanian

... Petitioner

Vs

1. The Commissioner of Police,
Madurai, Madurai District.

2. The Deputy Commissioner of Police,
Madurai, Madurai District..

3. The Inspector of Police,
Keerathurai Police Station,
Madurai, Madurai District.

4. Rakku

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the third respondents not to harass the petitioner and
his family members under the guise of an enquiry.

For Petitioner : Mr. Dinesh.K

For R-1 to R-3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



WEB COPY



CRL.O.P (MD) No.9175 of 2024

ORDER

The petitioner has approached this Court that the respondent police are harassing him and his family members under the guise of an enquiry.

2. The learned Additional Public Prosecutor submits that there is a money dispute between the defacto complainant and the petitioner. Based on a complaint, petition enquiry is pending in CSR.No.345 of 2024 dated 31.05.2024, 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.



CRL.O.P (MD) No.9175 of 2024

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.

6. In view of the above, the respondent police shall not harass the petitioner and the respondent Police shall conclude the petition enquiry



CRL.O.P (MD) No.9175 of 2024

within a period of two weeks from the date of receipt of copy of this order. Accordingly this criminal original petition is closed.

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

24.06.2024

jbr

To

1. The Commissioner of Police,
Madurai, Madurai District.
2. The Deputy Commissioner of Police,
Madurai, Madurai District..
3. The Inspector of Police,
Keerathurai Police Station,
Madurai, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.O.P (MD) No.9175 of 2024

B.PUGALENDHI, J.

jbr

CRL.O.P (MD) No.9175 of 2024

24.06.2024