



Crl.O.P.(MD)No.10280 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.10280 of 2024

M.Abdul Gafoor Ahamed

... Petitioner

Vs

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
North Police Station,
Tuticorin.

3.Mohan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to instruct the second respondent not to harass the petitioner based on the representation, dated 30.06.2024 pending before the 1st respondent.

For Petitioner
For Respondents

: Mr.T.R.Subramanian
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

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

2.The learned counsel for the petitioner submits that the petitioner is having some dispute with the third respondent in respect of his business transaction, for which, the third respondent with the help of the second respondent police is harassing the petitioner. He further submits that with regard to the money transaction between the petitioner and the third respondent, a suit in O.S.No.6 of 2024 is also pending before the District Munsif Court, Ottapidaram.

3.The learned Government Advocate (Crl.side) appearing for the first and second respondents submits that the third respondent has given a complaint on 25.06.2024 as against the petitioner and the same is assigned with CSR No.548 of 2024. He further submits that they are conducting the enquiry.



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4.This Court considered the rival submissions made and also

perused the materials place on record.

5.This Court has verified the nature of complaint, which reveals that the petitioner is doing a sea food business and borrowed a sum of Rs. 81 Lakhs from the third respondent and settled a sum of Rs.25 Lakhs. Since the petitioner has not repaid the remaining amount, this complaint has been lodged by the third respondent. The issue is purely civil in nature. However, the complaint has been entertained by the respondent police.

6.The Police Standing Order PSO.No.562 prohibits investigation by the police 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. Despite the same, it appears that the police officials are concentrating in civil disputes and acting as Collecting Agents for collecting money.



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7.In view of the above, this Criminal Original petition is
allowed. The respondent police shall not harass the petitioner.

11.07.2024

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

To

- 1.The Superintendent of Police,
Tuticorin District.
- 2.The Inspector of Police,
North Police Station,
Tuticorin.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

vrn

Order made in
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