



CrI.O.P.(MD)No.10666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10666 of 2024

Rajeshkanna

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul.

2.The Deputy Superintendent of Police,
Palani.

3.The Inspector of Police,
Palani Taluk Police Station,
Neikarappatti, Palani,
Dindigul District.

4.Ramasamy

5.Jegadeeswari

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent not to interfere with the civil dispute by threatening the petitioner of dispossession from the lands in S.Nos.1016/1B, 1016/4B, 1016/2 and 1016/3 in Ayankalayampudur Village, Palani, Dindigul District.



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For Petitioner : Mr.N.Mohan
For R1 to R3 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

ORDER

The petitioner with an allegation that the respondent police is harassing the petitioner 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 an agreement between the parties and thereafter, they failed to execute the sale. Therefore, the private respondents lodged a complaint before the respondent police on 01.07.2024 and the enquiry is pending.

3.The learned counsel appearing for the petitioner submits that the private respondents herein have entered into an agreement with the original owners namely, Subramanian, Balamani and Thangamalar on 05.04.2008 and they have failed to execute the agreement. Thereafter, a suit was filed by the private respondents for specific performance in the



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year 2023. On 24.01.2020, the petitioner entered into an agreement with the original owners and it was also renewed on 27.02.2024. Till date, he is cultivating the land. However, on the complaint of the private respondents, the third respondent is harassing the petitioner. Therefore, the petitioner filed the present petition.

4.This Court considered the rival submissions made on behalf of either side and perused the materials available in the record.

5.The allegations appears to be civil in nature. The Police get the power of enquiry / investigation only on registration of 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 Offices 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 issued by the Additional Director General of Police in

Circular NO.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 that the



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police are strictly refrained from enquiring or entertaining in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute.,etc.,

6.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.

7.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.

8.In view of the above, the third respondent Police shall conclude the petition enquiry within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall not be harassed during the course of enquiry. If any cognizable offence made out, it is always open



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to the third respondent to register a case. Accordingly, this criminal original petition is allowed.

18.07.2024

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

- 1.The Superintendent of Police,
Dindigul.
- 2.The Deputy Superintendent of Police,
Palani.
- 3.The Inspector of Police,
Palani Taluk Police Station,
Neikarappatti, Palani,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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