



Crl.O.P.(MD)No.10780 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.10780 of 2024

1. Ravi
2. Srinivasan
3. Rajesh
4. Bhuvaneshwari
5. Ramesh Kumar

... Petitioners

Vs

- 1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

- 2.V.R.Rajan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st Respondent Police not to interfere in the civil dispute and thereby not to harass the petitioners in the guise of enquiry.

For Petitioners
For R1

: Mr.K. Prabhu,
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

The petitioners have approached this Court that the respondent police has harassed them under the guise of an enquiry, that too, in a civil dispute.

2.The learned counsel appearing for the petitioners submits that the petitioners have purchased a property from the second respondent herein. Now, the second respondent has lodged a complaint as against these petitioners and the same has been enquired by the respondent police and during the enquiry, the respondent police is harassing them.

3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), takes notice for the first respondent and submits that the second respondent has lodged a complaint before the Deputy Inspector General, Dindigul, which was forwarded to the first respondent in B5/2558/368/24-C.No.G2/7684026/2024, dated 11.06.2024, based on which, the respondent police is conducting the petition enquiry.

According to the learned Government Advocate, there is an allegation of



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impersonation as against these petitioners. Therefore, they have issued summons to the petitioners, however, the petitioners have not co-operated for the enquiry.

4.The learned counsel for the petitioners disputed the contention of the learned Government Advocate (Crl.side).

5.This Court considered the rival submissions made.

6. 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. 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.,

7. It appears that the complaint, which has been forwarded on 11.06.2024 is kept pending as petition enquiry for the past four weeks. In view of the above and considering the nature of allegation and in the light of the above guidelines as stated supra, this Criminal Original Petition is disposed of with the following directions:

- i. The petitioners 1 to 3 and 5 are directed to appear before the respondent police for a period of one week and co-operate for the enquiry.
- ii. The respondent police is directed to conclude the enquiry within a period of one week and take a decision.
- iii. The respondent police shall not harass the petitioners during the course of enquiry.

19.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

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- 1.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

vrn

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