



W.P. CrI.(MD) NO. 2297 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P. CrI. (MD) No. 2297 of 2025

and

W.M.P.CrI.(MD) No.539 of 2025

1. D. Thangaraj Pandian

2. M.Dharmalingam

3. M.Subramanian

4. G.Kanniyappan.

... Petitioners

Vs

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

2. The State of Tamilnadu,
District Crime Branch,
Office of the Superintendent of Police,
Surveyor Colony,
Madurai - 625007.

3. V.Vijayarani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the second respondent not to harass the petitioners under the guise of enquiry based on the complaint lodged by the 3rd Respondent as the dispute involves civil in nature.

For petitioner :Mr. B.Prahalad Ravi

For R1 & R2 :Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition is filed to direct the second respondent not to harass the petitioners under the guise of enquiry based on the complaint lodged by the third respondent as the dispute involves civil in nature.

2. Considering the nature of the relief sought for, notice to the third respondent is dispensed with.

3. The learned counsel for the petitioner submitted that there is a civil dispute between the petitioners and the third respondent. He further submitted that the third respondent filed a complaint, leading to a summons for enquiry at the second respondent police Station. Despite the



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dispute being civil in nature, the first and second respondents police are allegedly pressuring the petitioners to appear, causing harassment.

4. However, the learned Additional Public Prosecutor, Mr.E.Antony Sahaya Prabahar, on instructions, submitted that an enquiry is pending on the complaint given by the third respondent against the petitioner and the same will be concluded within a short period of time.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. This Court is conscious that under Section 528 BNSS, 2023, it may issue appropriate directions to ensure that police powers are exercised strictly in accordance with law and not in a manner that converts civil disputes into criminal proceedings without the essential ingredients of an offence being made out.

7. To allay the petitioners' apprehensions and to ensure fairness, the following directions are issued:



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(a) If any complaint is received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 BNSS, 2023, specifying the date, time, and purpose of enquiry. Oral or informal summons are prohibited.

(b) The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioners' appearance.

(c) If the police, upon enquiry, conclude that a cognizable offence is made out and propose to register an FIR, the petitioners shall be given prior written notice, enabling them to seek legal remedies including anticipatory bail.

(d) If the dispute is found to be civil in nature, the complaint shall be closed forthwith, without any coercive or intimidatory action.

(e) The respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.



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8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2025

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

apd
To

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

2. The Superintendent of Police,
District Crime Branch,
Office of the Superintendent of Police,
Surveyor Colony,
Madurai - 625007.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI,J

apd

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