



Crl.OP(MD)No.22168 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22168 of 2025

L.Sundarapandi

... Petitioner

Vs.

1.The State of Tamilnadu Rep. By its,
The Superintendent of Police, Madurai,
Madurai District.

2.The Inspector of Police,
The District Crime Branch,
O/o Superintendent of Police,
Madurai.

3.Seeniyammal

.. Respondent



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents more particularly the second respondent not to involve or interfere in the civil matter and not to harass the petitioner under the guise of enquiry at the instance of the third respondent in this regard.

For Petitioner : Mr.S.Ramanathan

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents more particularly the second respondent not to involve or interfere in the civil matter and not to harass the petitioner under the guise of enquiry at the instance of the third respondent in this regard.

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



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3. The learned counsel for the petitioner submitted that there is a civil dispute between the petitioner 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 dispute being civil in nature, the second respondent police are allegedly pressuring the petitioner to appear, causing harassment.

4. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) 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 petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) If any complaint is received against the petitioner, 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 petitioner's appearance.

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



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(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.

8. With the above directions, this Criminal Original Petition is disposed of.

03.12.2025

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

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

- 2.The Inspector of Police,
The District Crime Branch,
O/o Superintendent of Police,
Madurai.

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



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L.VICTORIA GOWRI, J.

vsg

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