



Crl.O.P.(MD)No.22276 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.22276 of 2025

1.Shakilabanu,
W/o.Abbas

2.Salimraja,
S/o.Abbas

... Petitioners

Vs.

1.State of Tamilnadu rep. by
The Commissioner of Police,
Madurai City,
Madurai.

2.State of Tamilnadu rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the 2nd respondent not to harass the petitioners.

For Petitioners : Mr.R.Venkatesan,
Advocate

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



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ORDER

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This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioners.

2. The claim of the petitioners is that the alleged misappropriation of jewellery was said to have been committed by the daughter of the first petitioner, namely Madinabegam. The petitioners, who are the mother and brother of the aforesaid lady, allege that they are continuously being subjected to harassment by the second respondent police and seek a direction restraining such harassment.

3. Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side), on instructions, submitted that all of them belong to the same family and that the petitioners' claim that they do not have any contact with Madinabegam is unfounded and illogical. He submitted that the petitioners may be directed to co-operate with the enquiry, or at least, if they truly do not know the whereabouts of Madinabegam, they ought to have lodged a woman-missing complaint. Having not done so, they cannot now contend that they have no connection with her or that they are unaware of her whereabouts.



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

5. Considering that the issue in dispute pertains to the loss of jewellery belonging to two victims, and in order to allay the petitioners' apprehensions and to ensure fairness, the following directions are issued:

(a) If any complaint is received against the petitioners, the second 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.



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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.

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

04.12.2025

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

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

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



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L.VICTORIA GOWRI, J.

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