



Crl.O.P(MD)No.22512 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.22512 of 2025

K.Kannan

... Petitioner

Vs.

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

2.The State of Tamilnadu,
Rep by Inspector of Police,
Palamedu Police Station,
Madurai District.

3.Thangam

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 1st respondent to instruct the 2nd respondent police, not to interfere into the civil disputes under the guise of enquiry without due process of law as per the circular issued by the Additional Director General of Police, Tamilnadu in C.No.18/ADGP/L&O/camp/2024 dated 09.01.2024.

For Petitioner : Mr.B.Anandan



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For R1 & R2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed seeking to direct the 1st respondent to instruct the 2nd respondent police not to meddle in the civil dispute under the guise of inquiry.

2. Considering the nature of the relief sought for, notice to the 3rd respondent is dispensed with.

3. The learned counsel for the petitioner submitted that the 3rd respondent is petitioner's elder sister who is residing along with her husband in Australia. She has lodged the frivolous complaint as against the petitioner claiming that he had encroached upon her property. In this regard, continuous harassment is being meted out to the petitioner by the 2nd respondent police. The petitioner has never ever encroached any part of her property at any point of time and even assuming that the complaint lodged by the 3rd respondent to be true, the remedy which is



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available for her is only to approach the Civil Court and let the police not meddle with the civil dispute which is prevailing between the petitioner and his elder sister.

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

5. 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.

6. 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



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under Section 64 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 him 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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7. With these directions, this Direction Petition stands disposed of.

09.12.2025

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

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To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Palamedu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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