



Crl.O.P.(MD)No.22362 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.22362 of 2025

1.Velammal

2.Ganesan

... Petitioners

Vs.

1.The State Rep. by,
The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
B6 Police Station,
Jaihindpuram,
Madurai.

3.Kannan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.A.R.Kannappan

For Respondent : Mr.M.Sakthi Kumar(for R1 & R2)

Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed seeking to direct the second respondent not to harass the petitioner under the guise of enquiry.

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

3.The learned counsel appearing for the petitioner submitted that the first petitioner and the third respondent are brother and sister. The claim of the third respondent is that, under the guise of taking care of and visiting the mother, after having stayed for two days in their house, the petitioners had stolen a gold chain weighing 3 sovereigns from the almirah and left. On the same day, the third respondent lodged a complaint before the respondent police station, and the petitioners appeared before the police station for enquiry. However, they apprehend that they may be harassed repeatedly by the police and hence, filed the present petition.

4.The learned Government Advocate (Crl. Side) on instructions, submitted that both the petitioners and the third respondent are close relatives



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and on suspicion, a complaint was lodged alleging that the petitioners had stolen the jewelry and the investigation is not yet completed.

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:

(a) With respect to the complaint 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.



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(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.

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

05.12.2025

NCC : Yes / No

Index : Yes / No

vsg



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TO:-

1. The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
B6 Police Station,
Jaihindpuram,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

vsg

Order made in
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