



Crl.O.P.(MD)No.22385 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.22385 of 2025

R.Alphonse

... Petitioner

Vs.

1.The State Rep. by,
The Superintendent of Police,
Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Kulasekaram Police Station,
Kanniyakumari District.

3.The Sub Inspector of Police,
Pechiparai Police Station,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the first respondent directing the third respondent herein not to harass the petitioner herein under the guise of enquiry on the basis of the petitioner's representation dated 18.06.2025.



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For Petitioner : Mr.V.Dhivya Bharathi
for M/S.Aayiram K.Selvakumar
For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking to direct the third respondent herein not to harass the petitioner herein under the guise of enquiry on the basis of the petitioner's representation dated 18.06.2025.

2.The learned counsel appearing for the petitioner submitted that the petitioner and his family members were assaulted by a group of persons, and that a case was lodged by the petitioner against certain persons in Crime No.13 of 2021 on the file of the third respondent. He further submitted that, only as a counter blast and keeping in mind the political rivalry, a case in Crime No.12 of 2021 was registered against the petitioner by the third respondent police. Under the guise of enquiry, the police are repeatedly harassing the petitioner, and hence, he filed this petition.

3.The learned Government Advocate (Crl. Side) on instructions, submitted that the petitioner is a history sheeter. Therefore, the respondents are



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entitled to keep him under surveillance. The third respondent has given in writing that he is not at all harassing the petitioner under the guise of enquiry.

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 petitioners' 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.



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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.

7. 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 Superintendent of Police,
Superintendent of Police,
Kanniyakumari District.
2. The Inspector of Police,
Kulasekaram Police Station,
Kanniyakumari District.
3. The Sub Inspector of Police,
Pechiparai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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L.VICTORIA GOWRI, J.

vsg

Order made in
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Dated
05.12.2025