



Crl.OP(MD)No.23152 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.23152 of 2025

1.Rajeshwari

2.Agayamaariammal

3.Maharaja

4.Marikannanmuthusamy

... Petitioners

Vs.

1.The Superintendent of Police,
District Crime Branch,
Korampallam,
Thoothukudi District.

... Respondent



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent Police not to harass the petitioners and not to call upon the petitioners based on the complaint filed by the defacto complainant by considering the petitioner's representation dated 26.06.2025.

For Petitioners : Mr.M.Rakhi

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

ORDER

Seeking to direct the respondent Police not to harass the petitioners and not to call upon the petitioners based on the complaint filed by the defacto complainant by considering the petitioner's representation dated 26.06.2025, this petition is filed.

2.The learned counsel appearing for the petitioner submitted that the defacto complainant is the daughter-in-law of the first petitioner and she lodged a complaint against them in connection with the matrimonial



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dispute. Despite pendency of Domestic violence case in D.V.C.No.4 of 2024 before the District Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, the respondent police is continuously harassing the petitioners. Hence, he sought the indulgence of this Court.

3.The learned Government Advocate (Crl. Side) Mr.M.Sakthi Kumar, on instructions, submitted that earlier the complaint was lodged by the defacto complainant before the respondent Police. However, the petitioners appeared before the respondent Police and submitted that a domestic violence case was already pending, pursuant to which the papers were forwarded to the District Crime Branch. He further submitted that the nature of the domestic violence case is different from the complaint lodged by the defacto complainant against the petitioners. He further submitted that some of the defacto complainant's belongings are still with the petitioners and hence, the petitioners have to cooperate with the enquiry.



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

5. To allay the petitioners' apprehensions and to ensure fairness, the following directions are issued:

(a) With respect to the complaint received against the petitioners, 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 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 him 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.

16.12.2025

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

To

- 1.The Superintendent of Police,
District Crime Branch,
Korampallam,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

vsg

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