



Crl.OP(MD)No.23167 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.23167 of 2025

1.Pandiyan

2.Vijaya

... Petitioners

Vs.

The State of Tamilnadu rep. by its,
The Inspector of Police,
Gudalur South Police Station,
Theni District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent Police not to harass the petitioners under the guise of enquiry in connection with Crime No.72 of 2025 dated 07.06.2025.

For Petitioners : Mr.G.Gomathisankar

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



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ORDER

Seeking to direct the respondent Police not to harass the petitioners under the guise of enquiry in connection with Crime No.72 of 2025 dated 07.06.2025, this petition is filed.

2.The learned counsel appearing for the petitioner submitted that earlier the petitioner lodged a complaint against one Pandian for assaulting the petitioner, however, the respondent police, without taking action with respect to the petitioner's complaint, registered a First Information Report in Crime No.72 of 2025 against the petitioner on. 07.06.2025. On that premise, the police is subjecting the petitioner to continuous harassment and hence, sought the indulgence of this Court.

3.The learned Government Advocate (Crl. Side), Mr. M. Sakthi Kumar, on instructions, submitted that the petitioners are moneylenders from whom one Pandeewaran had borrowed an amount of Rs.1,50,000/- at an interest rate of 4%. Due to the default committed by



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the said Pandeewaran, the petitioners frequently visited his house and indulged in hooliganism, even to the extent of breaking the footpath. Hence, the respondent police was left with no other option but to register a First Information Report against the petitioners.

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

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

(a) If any complaint is 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.



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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 petitioners 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.

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

16.12.2025

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

1.The Inspector of Police,
Gudalur South Police Station,
Theni 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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