



Crl.O.P.(MD)No.23198 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2025

CORAM:

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

Crl.O.P.(MD)No.23198 of 2025

K.M.Navaneethakrishnan

... Petitioner

Vs.

1. The Superintendent of Police,
Theni District.

2. The Inspector of Police,
Theni Police Station,
Theni District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the 1st respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law.

For Petitioner : Mr.R.Mathava Selvam

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to instruct the second respondent not to harass the petitioner under the guise of enquiry without due process of law.



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2. The learned counsel appearing for the petitioner submitted that on the guise of an enquiry, the petitioner is being harassed by the respondent police.

3. The learned Government Advocate appearing for the respondent police, on instructions, submitted that the complainant is the petitioner's business partner and the petitioner had taken away the cheque of the defacto complainant along with a cash of Rs.73,000/- and hence, the case.

4. Per contra, the learned counsel for the petitioner submitted that with respect to the amount payable by the complainant to the petitioner, the complainant had issued a cheque in favour of the petitioner. However, he subsequently lodged a complaint in this regard.

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

6. To allay the petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) With respect to the complaint received against the petitioner, the



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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.

(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.

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

17.12.2025

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

Sm

TO:-

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

Order made in
Crl.O.P.(MD)No.23198 of 2025

Dated
17.12.2025