



Crl.OP(MD)No.23429 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.23429 of 2025

Syed Sulthan Beevi

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by The Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
Ervadi Police Station,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioner and her family members under the guise of enquiry.

For Petitioner : Mr. H.Mahamed Hussain
For R-1 & R-2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



Crl.OP(MD)No.23429 of 2025

dated 11.03.2008 before the District Registrar Office, Ramanathapuram.

The said power agent purchased the aforementioned property from the power agent M.Hyther Ali vide registered sale deed in Document No.1282 of 2002 on the file of the Sub-Registrar Office, Keelakkarai. Pursuant thereto, patta was also issued by the revenue authorities in Patta No.4194 in the name of the petitioner. The petitioner was put in possession of the property and has been in continuous and uninterrupted enjoyment of the same for the past 17 years without any hindrance. The vendor of the property, namely Ayisha Beevi, was also well aware of the sale transaction. While so, on 03.12.2025, the second respondent directed the petitioner to attend an enquiry stating that the vendor Ayisha Beevi had lodged a complaint against her. It is alleged that the second respondent acted in a biased manner and refused to consider the petitioner's contentions. It is also submitted that the petitioner had fenced the property along its boundaries. The second respondent police further demanded the petitioner to hand over the original title deeds. Hence, the petitioner has sought the indulgence of this Court.



Crl.OP(MD)No.23429 of 2025

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4. Per contra, the learned Government Advocate, Mr. M. Sakthi Kumar (Criminal Side), on instructions, submitted that on the complaint lodged by one Ayisha Beevi, it was stated that she had never executed any Power of Attorney in favour of Hyther Ali, nor had she executed any sale deed in favour of the petitioner, and therefore she had lodged the complaint. For the purpose of enquiry, the police had required the petitioner to produce the necessary documents for verification.

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.



Crl.OP(MD)No.23429 of 2025

7. Considering the civil nature of the dispute and the submissions made by the learned Government Advocate, it is evident that there is no possibility of the documents having been concocted by the said power agent. However, in order to allay the petitioner's 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.

(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 her to seek legal remedies including anticipatory bail.



Crl.OP(MD)No.23429 of 2025

WEB COPY

(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.

18.12.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

TSG

To

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



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Crl.OP(MD)No.23429 of 2025

L.VICTORIA GOWRI, J.

TSG

CRL OP(MD)No.23429 of 2025

18.12.2025