



Crl.OP(MD)No.23395 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.23395 of 2025

A.Balakrishnan

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City.

2. The State of Tamil Nadu,
represented by
the Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.

3. R.Dhanalakshmi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the first and second respondents and his men not to harass the petitioner based on the false complaint of the third respondent.

For Petitioner : Mr. R.M.Makesh Kumaravel



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

ORDER

This Criminal Original Petition has been filed seeking a direction to the first and second respondents and his men not to harass the petitioner based on the false complaint given by the third respondent.

2. The learned counsel for the petitioner submitted that the third respondent is none other than the wife of the petitioner. He would further submit that certain differences have arisen in the matrimonial life of the petitioner and the third respondent. However, the third respondent, along with her parents and two children, was residing in the petitioner's house. He would further submit that the third respondent did not permit the petitioner to enter his own house and that she also lodged a complaint against him. Consequently, the respondent police harassed the petitioner under the guise of enquiry. He would further submit that the third respondent is a mentally disordered person and that she went to the extent of cutting the nerve of the petitioner. Hence, it was contended that she requires medical treatment and that the



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petitioner sought mediation with the third respondent. Therefore, the petitioner has sought the indulgence of this Court.

4. Per contra, the learned Government Advocate, Mr. M. Sakthi Kumar (Criminal Side), on instructions, submitted that the petitioner is having an illegal relationship with one Shivani. He would further submit that the petitioner had swindled 57 sovereigns of gold jewellery belonging to the third respondent.

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.



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7. Considering the matrimonial nature of the dispute and the submissions made by the learned Government Advocate, it is apparent that the petitioner and the third respondent are living separately. However, in order 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 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.



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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.

(e) The respondent Nos.1 and 2 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 Commissioner of Police,
Madurai City.
2. The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

TSG

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