



Crl.OP(MD)No.23402 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.23402 of 2025

Selvanathan

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
3. The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
4. Saranya

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent Nos.1 to 3 not to harass the petitioner and



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his family members under the guise of enquiry without following due process of law.

For Petitioner : Mrs.S.Prabha,
for Mr.D.Rameshkumar
For R-1 to R-3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed seeking a direction to respondent Nos.1 to 3 not to harass the petitioner and his family members under the guise of enquiry, without following due process of law.

2. The learned counsel appearing for the petitioner submitted that the defacto complainant is none other than the friend of the petitioner's sister and, as a gesture of friendship, the petitioner used to drop his sister along with the defacto complainant at the college where they were studying. Apart from the said acquaintance, the petitioner has no other connection with the fourth respondent. However, the fourth respondent has lodged a complaint against the petitioner alleging that he should



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take responsibility for her pregnancy. The learned counsel would submit that the petitioner is not responsible for the same and that, on the basis of such complaint, the respondent Police is harassing the petitioner. Hence, the petitioner seeks the indulgence of this Court.

3. Per contra, the learned Government Advocate (Criminal Side), Mr. M. Sakthi Kumar, wondered that how it is possible for the fourth respondent to become pregnant merely on account of being dropped at the college by the petitioner. He further submitted that the fourth respondent had aborted the foetus and contended that the petitioner, who belongs to a dominant community, had promised to marry the fourth respondent, who belongs to a Scheduled Community, and had insisted that only after abortion he would consider marriage.

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



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5. This Court is conscious that under Section 528 of the BNSS, 2023, appropriate directions can be issued to ensure that police powers are exercised strictly in accordance with law and not in a manner that converts disputes of a civil nature into criminal proceedings, in the absence of the essential ingredients constituting a cognizable offence.

6. The learned counsel for the petitioner submitted that even assuming an abortion had taken place, as contended by the learned Government Advocate, both the petitioner and the fourth respondent are majors. If there had been any illegality in the said abortion, the same ought to have been addressed by the authorities concerned in accordance with law. Having failed to do so, such contentions cannot be raised to justify harassment of the petitioner. However, in order to allay the apprehensions of the petitioner and to ensure fairness in the conduct of the enquiry, 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



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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.

(e) The respondent Nos.1 to 3 shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.



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7. 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,
Pudukkottai District,
Pudukkottai.
2. The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
3. The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

TSG

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