



Crl.O.P.(MD)No.23521 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.12.2025**

CORAM:

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

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Palpandi

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Andipatti,
Theni District.

3.The Inspector of Police,
Andipatti Police Station,
Theni District.

4.Arumugam

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the third respondent not to harass the petitioner and his family members in the guise of enquiry by considering the representation dated 09.12.2025.

For Petitioner : Mr.S.Vikram

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor



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ORDER

Seeking a direction to the third respondent not to harass the petitioner and his family members in the guise of enquiry by considering the representation dated 09.12.2025, this petition has been filed.

2. Considering the limited scope of the relief sought for, notice to the fourth respondent is dispensed with.

3.The learned Additional Public Prosecutor, on instructions, submitted that the fourth respondent lodged a complaint against the petitioner alleging that he had trespassed into the land belonging to the fourth respondent, taken possession of the same, and caused damage to the standing trees on the land. On receipt of the complaint lodged by the fourth respondent, the petitioner was called for enquiry.

4.However, the learned counsel appearing for the petitioner submitted that he is doing agricultural work in the land in S.No.796/1, Andipatti Village. The said land originally belonged to one Veerammal @ Chittammal. The petitioner had obtained a lease deed in favour of one Ponnusamy, who is the



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petitioner's brother. The fourth respondent lodged the complaint only on the strength of the said lease and the petitioner is cultivating the said land.

However, the fourth respondent is interfering with the petitioner's possession.

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.

7. To allay the petitioners' 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.



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(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 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.

19.12.2025

NCC : Yes / No

Index : Yes / No

vsg



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WEB COPY **TO:-**

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



WEB COPY



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L.VICTORIA GOWRI, J.

vsg

Order made in
Crl.O.P.(MD)No.23521 of 2025

Dated
19.12.2025