



Crl.O.P.(MD)No.23545 of 2025

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L.VICTORIA GOWRI, J.

This matter is listed under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner herein is the complainant in the present case. However, certain mistakes have crept into paragraph 6 of the order dated 19.12.2025 passed in this petition.

3. In view of the fact that the petitioner is the complainant in this case, the following modifications are ordered:-

(i) In para 6 (a), the portion 'With respect to the complaint received against the petitioner' is replaced as 'With respect to the complaint given by the petitioner'.

(ii) In para 6 (b), the portion 'The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioner's appearance' is replaced as 'The enquiry, if undertaken, shall be completed within two weeks from the date of the appearance of the respective parties'.



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(iii) In para 6 (c), 'petitioner' is replaced as 'proposed accused'.

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4. Barring the above, there are no other modifications to order dated 19.12.2025.

5. Registry shall issue fresh order copy to the parties concerned incorporating the aforesaid modification.

09.01.2026

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Order made in
Crl.O.P.(MD)No.23545 of 2025

Dated
09.01.2026



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.12.2025**

CORAM:

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

Crl.O.P.(MD)No.23545 of 2025

K.S.Asrab Ali

... Petitioner

Vs.

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

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

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the respondents not to harass the petitioner under the guise of enquiry except in accordance with due process of law.

For Petitioner : Mr.V.T.Vinitha

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

Seeking a direction to the respondents not to harass the petitioner under the guise of enquiry except in accordance with due process of law, this petition has been filed.

2.The learned counsel appearing for the petitioner submitted that, in fact, the petitioner is the complainant before the respondent Police. However, the respondent Police is threatening the petitioner to withdraw the complaint at the instance of the person against whom the petitioner has lodged the complaint, who is a local leader belonging to the ruling party. He further submitted that the petitioner was not only subjected to harassment but also to physical abuse, and that he was manhandled by the second respondent Police.

3.The learned Additional Public Prosecutor submitted that based on the complaint lodged by the petitioner, the same has been taken as C.S.R.No.579 of 2025 and pursuant to the same, the petitioner was called for enquiry.

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



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5. 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.

6. To allay the petitioner's apprehension 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 respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.

(f) the first respondent is directed to monitor the investigation conducted by the second respondent from time to time. The second respondent Police is directed to conduct enquiry without harassing the petitioner.

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

19.12.2025

NCC : Yes / No

Index : Yes / No

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WEB COPY **TO:-**

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



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vsg

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