



Crl.O.P.(MD)No.23668 of 2025

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.23668 of 2025

P.Selva Raj

... Petitioner

Vs.

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

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3.Srinivasan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the second respondent Police not to harass the petitioner under the guise of enquiry on the basis of the complaint given by the third respondent, which purely civil in nature.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.S.Ravi, (for R1 and R2)

Additional Public Prosecutor

ORDER

Seeking a direction to the second respondent Police not to harass the petitioner under the guise of enquiry on the basis of the complaint given by the third respondent, which purely civil in nature, this petition is filed.



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

3.The learned counsel appearing for the petitioner submitted that one Sobalakshmi and Lakshman borrowed a sum of Rs.10,00,000/- from one Srinivasan, who is the third respondent herein and the petitioner stood as surety for the said loan amount. Due to the default in payment of the said loan amount, the third respondent pressurised the petitioner to settle the dues. Thereafter, the petitioner repaid the entire amount to the lenders. After receiving the full payment, the third respondent has not returned the original promissory notes executed by the petitioner. In the year 2021, the third respondent lodged a complaint before the second respondent Police and the same was closed with a direction to the complainant to return the promissory notes to the petitioner. Despite the same, the third respondent has given another complaint on the same facts before the same Police station and pursuant thereto, the police are allegedly continuing to harass the petitioners.

4.The learned Additional Public Prosecutor submitted that so far, no complaint has been received from any person in the name of Srinivasan. In this regard, the petitioner has not been called for any inquiry.



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

6. 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 second respondent police shall issue written summons/notice under Section 62 of Cr.P.C/64 of 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 dispute, the complaint shall be closed forthwith, without any coercive or intimidatory action.



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

19.12.2025

NCC : Yes / No
Index : Yes / No
vsg

TO:-

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

vsg

Order made in
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