



Crl.O.P.(MD)No.23467 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.23467 of 2025

K.Solaimalai

... Petitioner

Vs.

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

2.The Inspector of Police,
Karuppayurani Police Station,
Madurai District.

3.Kannan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the second respondent not to interfere civil dispute in the guise of enquiry and consider the petitioner's representation dated 15.12.2025.

For Petitioner : Mr.A.Vadivel

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor



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ORDER

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Seeking to direct the second respondent not to interfere civil dispute in the guise of enquiry and consider the petitioner's representation dated 15.12.2025, this petition is filed.

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 the petitioner is the cultivating tenant in S.No.41/6 measuring to an extent of 0.370 Ares situated at Kunnathur Bit-1, Madurai East Taluk, Madurai District, which belongs to the third respondent. The petitioner has been cultivating the said land for the past 40 years. However, the third respondent has started interfering with the petitioner's cultivation. Therefore, on 20.02.2025, the petitioner has filed a suit in O.S.No.49 of 2025 before District Munsif Court, Melur, Madurai District, seeking not to evict the petitioner and the same is pending. In the mean time, the third respondent had lodged a complaint before the second respondent Police, which was closed and the second respondent Police directed the parties to approach the civil Court. He further submitted that again the third respondent filed a complaint disturbing the petitioner and leading to a summons



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for enquiry at the second respondent police Station. Despite the dispute being civil in nature, the second respondent police is allegedly pressuring the petitioner to appear, causing harassment.

4.Per contra, the learned Additional Public Prosecutor categorically submitted that it is not the third respondent, who is causing trouble to the petitioner. It is the petitioner who had threatened the third respondent with an aruval, and it is only his version that he is the cultivating tenant, and he has not put forth any documents to substantiate the fact that he had been continuously cultivating the property 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.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.

(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.



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8.Further, the petitioner is directed to produce the necessary documents before the second respondent police to prove that he is the cultivating tenant.

9.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,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Karuppayurani Police Station,
Madurai 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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Dated
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