



Crl.O.P.(MD)No.23672 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.23672 of 2025

1.P.Selvi

2.Muthukauruppi

... Petitioners

Vs.

1.The State of Tamil Nadu Rep. by its,
The Commissioner of Police,
Madurai City,
Madurai.

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

3.V.Sekar

4.P.Muthumurugan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the second respondent Police not to harass the petitioners in a civil dispute in connection with a land an extent of 64 cent situated in S.No.51/2, at Ayanpappakudi Village, Madurai South Taluk, Madurai District, between the petitioner and the respondents 3 and 4 without following due process of law based on the petitioners' representation dated 15.09.2025 and 16.12.2025.



For Petitioners : Mr.R.Murugappan
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 petitioners in a civil dispute in connection with a land an extent of 64 cent situated in S.No.51/2, at Ayanpappakudi Village, Madurai South Taluk, Madurai District, between the petitioner and the respondents 3 and 4 without following due process of law based on the petitioners' representation dated 15.09.2025 and 16.12.2025, this petition is filed.

2.Considering the limited scope of the relief sought for, notice to the respondents 3 and 4 is dispensed with.

3.The learned Additional Public Prosecutor on instructions, submitted that the third respondent has given a complaint against the petitioner, which was registered in C.S.R.No.651 of 2025. He further submitted that the third respondent has also filed a petition in W.P.Crl.(MD).No.1373 of 2025 seeking a direction to the respondent police to complete the enquiry. Pursuant to which, this Court directed the respondent Police to complete the enquiry within a



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period of two weeks. In this regard, the petitioner has been called for enquiry.

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

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 petitioners' apprehensions and to ensure fairness, the following directions are issued:

(a)With respect to the complaint received against the petitioners, the 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



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from the date of the petitioners' appearance.

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(c) If the police, upon enquiry, conclude that a cognizable offence is made out and propose to register an FIR, the petitioners shall be given prior written notice, enabling them 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.

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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TO:-

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Madurai.
- 2.The Inspector of Police,
Avaniyapuram 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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