



Crl.OP.No.2117 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

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1. K.S.Nithiya
2. K.M.Shivakumar ...Petitioners

Vs.

1. State rep. by,
The Superintendent of Police,
Erode District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Erode District.
3. The Inspector of Police,
Chithode Police Station,
Erode District. ...Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023, seeking to direct the respondent police not to harass the petitioners under the guise of enquiry by interfering with civil or commercial disputes.

For Petitioners : Mr.K.Balamurugan

For Respondents : Mr.S.Santhosh, GA(Crl. Side)



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ORDER

This criminal original petition has been filed seeking to direct the respondent-police not to harass the petitioners under the guise of enquiry by interfering with civil or commercial disputes.

2. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents, on instructions, submitted that based on the complaints made against the petitioners, current paper enquiry is pending in C.Nos.G3/SPGDP/E11719127/5261/2025 and 189/SPGDP/C2PS respectively and the petitioners were called only for enquiry and that the respondent-police are not unnecessarily harassing the petitioners. Further, he fairly submitted that upon completion of enquiry, if it is found that the dispute is of civil or commercial in nature, the respondent-police will proceed in accordance with law.

3. In such circumstances, it is for the Investigating Agency to issue appropriate notice to the petitioners under Section 35(3) of BNSS for enquiry and on receipt of such notice, the petitioners shall appear for enquiry and co-operate in the investigation. It is made clear that the petitioners shall not be harassed during the course of enquiry/investigation. If any cognizable



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offence is made out, the respondent-police shall register a First Information Report and proceed in accordance with law. Further, as undertaken by the learned Government Advocate (Criminal Side), if the dispute is of civil in nature, the respondent-police shall refrain themselves from interfering further.

4. This criminal original petition stands disposed of accordingly.

02.02.2026

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Superintendent of Police,
Erode District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Erode District.
3. The Inspector of Police,
Chithode Police Station,
Erode District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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