



Crl.O.P.No.5980 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.5980 of 2026

S.Sivakumar

... Petitioner

Vs.

1. The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.

2.K.Sundarraju

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the first respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.C.Gunasekaran

For Respondents : Mr.Leonard Arul Jospeh Selvam
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking a direction to the first respondent not to harass the petitioner under the guise of enquiry.



2. The case of the petitioner is that the property transaction was carried out only on the basis of a valid General Power of Attorney executed by the second respondent in favour of the petitioner's mother. Based on the said document, the petitioner's mother transferred the property to her name and later, executed a settlement deed in favour of the petitioner. However, the second respondent has lodged a false complaint, due to which, the petitioner was called for enquiry by the first respondent. On instructions, the learned counsel for the petitioner submitted that on 23.03.2026, the petitioner is ready to appear before the first respondent for enquiry.

3. The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given against the petitioner, the first respondent Police are conducting an enquiry and that the petitioner was called only for enquiry and was not harassed during the enquiry.

4. Considering the submissions made and on perusal of the materials it is seen that the petitioner is called for enquiry based on the complaint given by the second respondent. The petitioner is one of the sister's son of the second respondent. The second respondent, who is residing in Malaysia, had purchased 71 cents of land at Erukkattacheri Village in his mother's name. After the death of his mother in 1999, the



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petitioner and his mother allegedly produced false information and fraudulently obtained a Legal Heir Certificate. Based on the said certificate, they transferred the property to the petitioner's mother and later, executed a settlement deed in favour of the petitioner. When the second respondent returned and inspected the property, the petitioner allegedly attempted to attack him with a wooden stick and criminally intimidated him. The second respondent would serve notice to the petitioner to conduct enquiry and proceed in accordance with law.

5. Such being the position, it is for the Investigating Agency to issue appropriate notice to the petitioner under Section 35(3) of BNSS for enquiry and on receipt of such notice, the petitioner shall appear for enquiry on 23.03.2026 and co-operate in the investigation. It is made clear that the first respondent shall conduct an enquiry within a period of one month thereafter and the petitioner shall not be harassed during the course of enquiry. If any cognizable offence is made out, the first respondent Police shall register a First Information Report and proceed in accordance with law.



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6. Accordingly, this Criminal Original Petition stands disposed of.

09.03.2026

Neutral Citation: Yes/No
vkr

To

- 1.The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.
- 2.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

vkr

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