



Crl.O.P.(MD)No.230 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.230 of 2026

1.K.Murugathal
2.Venkatesh Raja

... Petitioners

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai District.

2. The Inspector of Police,
Central Crime Branch,
Opposite to Bharathi Store,
Viswanathapuram,
Madurai City, Madurai.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the 2nd respondent police not to harass the petitioner and his family under the guise of enquiry and consequently take action against him who harrassed the petitioner in the guise of enquiry.

For Petitioners : Mr.N.Shyllappakalyan

For Respondents : Mr.S.Ravi

Addl. Public Prosecutor



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ORDER

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The petitioners seek for a direction to the 2nd respondent police not to harass the petitioners and his family under the guise of enquiry and also to take action against him, who harrassed the petitioners in the guise of enquiry.

2. The learned counsel for the petitioners submitted that the first petitioner is a senior citizen, whose husband is bedridden and the second petitioner is her son. On the guise of enquiry on receipt of a complaint from one Tamilselvi, the second respondent police is continuously harassing the petitioners to produce the bedridden husband to appear for enquiry. He also pointed out that on receiving summons, he was not even able to put his signature, instead, only his thumb impression was given.

3. The learned Government Advocate on instructions submitted that only for the purpose of attending enquiry, on receipt of the complaint, summon was issued.

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



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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. Considering the health condition of the first petitioner's husband and to allay the petitioners' apprehensions and to ensure fairness, the following directions are issued:

(a) In the complaint received against the petitioners or the first petitioner's husband, the respondent-police shall issue written summons/notice under Section 62 Cr.P.C / 64 BNSS, 2023, specifying the date, time, and purpose of enquiry to the second petitioner alone. Oral or informal summons are prohibited.

(b) The enquiry, if undertaken, shall be completed within two weeks from the date of the second petitioner's appearance.

(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



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closed forthwith, without any coercive or intimidatory action.

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(e) The respondent police 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 allowed.

09.01.2026

NCC : Yes / No
Index : Yes / No
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1. The Commissioner of Police,
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Madurai District.
2. The Inspector of Police,
Central Crime Branch,
Opposite to Bharathi Store,
Viswanathapuram,
Madurai City, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.230 of 2026

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