



Crl.O.P.(MD)No.427 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2026**

CORAM:

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

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1.P.Gowri
2.Tamilmathu

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep. By the Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
District Crime Branch, Theni District.
3. The Sub Inspector of Police,
District Crime Branch,
Theni District.

4. S.P. Jeyalakshmi

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the respondent No.1 to instruct the 2nd and 3rd respondents not to harass the petitioners under the guise of the enquiry without following due process of law.

For Petitioners : Mr.V.Selvaraj

For Respondents : Mr.S.Ravi (R1 to R3)

Addl. Public Prosecutor



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ORDER

The petitioners seek for a direction to the respondent No.1 to instruct the 2nd and 3rd respondents not to harass the petitioners under the guise of the enquiry without following due process of law.

2. The learned counsel for the petitioners submitted that the petitioners are the daughter and son-in-law of the 4th respondent and the father of the first petitioner had executed a Will in her favour in respect of certain family properties. Alleging the said Will to be a forged document, both the first petitioner and the fourth respondent had filed separate civil suits, which are pending. Subsequently, the suit filed by the first petitioner came to be dismissed, whereas the suit filed by the fourth respondent was allowed. Aggrieved by the same, the first petitioner has preferred an appeal, which is pending and in which no order of injunction has been granted. With regard to the said dispute, the fourth respondent has given a complaint as against the petitioners, for which the respondent police is continuously harassing them by meddling in a civil matter.



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3. The learned Government Advocate appearing for the respondent police, on instructions, submitted that the complaint was originally lodged before the first respondent, who in turn forwarded the same to the second respondent police. It was further submitted that the petitioners were called only for the purpose of enquiry and that the enquiry is still pending.

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) In the complaint received against the petitioners, 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. Oral or informal



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summons are prohibited.

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(b) The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioners' 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 closed forthwith, without any coercive or intimidatory action.

(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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TO:-

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1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
District Crime Branch, Theni District.
3. The Sub Inspector of Police,
District Crime Branch,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
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