



Crl.O.P.(MD)No.489 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.489 of 2026

Padmavathi

... Petitioner

Vs.

The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District,
Virudhunagar.

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the respondent not to harass the petitioner in the guise of calling her for enquiry in Cr.No.13 of 2025 in a civil dispute.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.S.Ravi

Additional Public Prosecutor



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ORDER

The petitioner seeks for a direction to the respondent not to harass the petitioner in the guise of enquiry in Cr.No.13 of 2025 in a civil dispute.

2. The learned counsel for the petitioner submitted that in a pending civil dispute in the guise of calling her for an enquiry in crime No.13 of 2025 in which her father has been arrayed as an accused, she is repeatedly being harassed by the respondent police by compelling her to attend for an enquiry and sought for indulgence of this Court.

3. The learned Government Advocate appearing for the respondent police submitted that the petitioner's father, Radhakrishnan, is an accused in Crime No.13 of 2025 and has already been granted interim anticipatory bail. The petitioner was called for enquiry by the respondent police on 07.12.2025 solely in connection with Crime No.13 of 2025, which has been registered for the offences punishable under Sections 406 and 420 of IPC, 1860, in relation to her father. However, the petitioner, without personally appearing before the police for the enquiry, submitted her explanation in writing, accompanied by relevant bank statements.



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4. The learned Government Advocate appearing for the respondent police further submitted that based on the petitioner's written statement, the de facto complainant, namely, Varadarajan, was also examined by the respondent police. On the basis of his statement, the respondent police found that amounts of Rs.2,20,00,000/- and Rs.4,20,00,000/-, totaling Rs.6,40,00,000/-, had been transferred to the petitioner's account maintained in Canara Bank through cheque No.328340. It was further revealed that the petitioner, along with her husband and her father, had jointly executed a sale deed in favor of the de facto complainant, Varadarajan. The petitioner's personal appearance before the respondent police was required only in connection with the information furnished in her own written statement for the purpose of conducting the enquiry.

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

6. 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



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criminal proceedings without the essential ingredients of an offence being made out.

7. To allay the petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) With regard to the complaint lodged against the petitioner's father, for which the petitioner is required to appear before the respondent police in the capacity of a witness, 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 summons are prohibited.

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

(c) If the police, upon enquiry, conclude that a cognizable offence is made out and propose to register an FIR, the petitioner 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.



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8. With the above directions, this Criminal Original Petition is disposed

of.

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NCC : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District,
Virudhunagar.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.489 of 2026

Dated
09.01.2026