



Crl.O.P.(MD)No.462 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.462 of 2026

Aadithyan

... Petitioner

Vs.

1. The State of Tamil Nadu Rep By,
The Superintendent of Police,
Dindigul District.
2. The Deputy Superintendent Of Police,
District Crime Branch,
Dindigul District.
3. The Deputy Superintendent Of Police,
Kodaikanal Sub Division,
Dindigul District.
4. The Inspector of Police,
District Crime Branch,
Dindigul.
5. Vaigaithurai
6. C.K.Sagaya Jeyaseelan
7. Mary Josephine
8. Dhanabalagan

... Respondents



Crl.O.P.(MD)No.462 of 2026

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the 1st to 4th respondents not to harass the petitioner in the guise of enquiry based on the petitioner's representation dated 03.01.2026.

For Petitioners : Mr.S.Vijayakumar

For Respondents : Mr.S.Ravi (R1 to R4)

Addl. Public Prosecutor

Mr.R.Alagumani (R6 to R8)

ORDER

The petitioner seeks for a direction to the 1st to 4th respondents not to harass the petitioner under the guise of enquiry, based on the petitioner's representation dated 03.01.2026.

2. The learned counsel for the petitioner submitted that the petitioner and the respondents 6 to 8 are co-owners of land measuring 99 cents in T.S. No. 11, Block No.8, Kodaikanal Town. The 6th respondent is the husband of the 7th respondent, and the 5th respondent is a land broker. With regard to the subject property, a joint sale deed was executed by the petitioner as well as the 7th and 8th respondents in favour of one Helen Preetham Davids and Andrew Preetham Davids on 11.12.2025, and the respective sale consideration was received by the them separately through demand drafts.



WEB COPY

3. The learned counsel for the petitioner further submitted that while the above transactions were completed, the 5th respondent lodged a complaint against the petitioner before the first respondent, claiming Rs.80,00,000/- out of the total sale consideration of Rs.90,00,000/-. The complaint was forwarded to the 3rd and 4th respondent police. Pursuant to the same, the petitioner was called for an enquiry, wherein it was alleged that the 5th respondent, at the instigation of the 6th to 8th respondents, claimed Rs.80,00,000/- out of the total sale consideration received from the purchasers. In this regard, the petitioner had already submitted a statement before the 3rd and 4th respondents, along with a copy of the sale deed, and stated that the sale consideration was received separately by the petitioner, 7th and 8th respondents through individual demand drafts. Despite the same, the 3rd and 4th respondent police have been continuously subjecting the petitioner to harassment.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that the complaint was forwarded to the 3rd and 4th respondents by the first respondent, following which the petitioner and the private respondents were called for an enquiry. It was further submitted that the private respondents claimed to have developed the subject property belonging



Crl.O.P.(MD)No.462 of 2026

to the petitioner prior to its sale to the said Helen Preetham Davids and Andrew Preetham Davids, and that the amount they are seeking pertains to the expenses incurred in developing the property.

5. The learned counsel appearing for the 6th, 7th, and 8th respondents categorically contended that it is not the 6th, 7th, and 8th respondents who are colluding with the 5th respondent; rather, it is the petitioner who is allegedly colluding with the 5th respondent. It was further submitted that out of the total area of 99 cents, the petitioner holds title only over 19.5 cents. Having already received a major portion of the sale consideration, the 6th, 7th, and 8th respondents are yet to receive the balance amount. In this regard, it was submitted that a dispute exists between the parties.

6. Heard the learned counsels on either side and carefully perused the materials available on record. Since no adverse order is proposed to be passed in this petition, notice to the 5th respondent is dispensed with.

7. 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



Crl.O.P.(MD)No.462 of 2026

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

WEB COPY

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

(a) With regard to the complaint received against the petitioner, 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.



Crl.O.P.(MD)No.462 of 2026

9. With the above directions, this Criminal Original Petition is allowed.

WEB COPY

09.01.2026

NCC : Yes / No
Index : Yes / No
Sm



Crl.O.P.(MD)No.462 of 2026

TO:-

WEB COPY

1. The State of Tamil Nadu Rep By,
The Superintendent of Police,
Dindigul District.
2. The Deputy Superintendent Of Police,
District Crime Branch,
Dindigul District.
3. The Deputy Superintendent Of Police,
Kodaikanal Sub Division,
Dindigul District.
4. The Inspector of Police,
District Crime Branch,
Dindigul.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.462 of 2026

L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.462 of 2026

Dated
09.01.2026