



Crl.O.P(MD)No.892 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.892 of 2026

V.Kaleeswaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its The Superintendent of Police,
Virudhunagar District.

2.The State of Tamil Nadu,
Rep.by its The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal
Virudhunagar District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent not to harass the petitioner in the guise of enquiry by registering false First Information Report in future against him except following due process of law.

For Petitioner : M/s.J.Vasanthi

For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition is filed seeking to direct the 2nd respondent not to harass the petitioner in the guise of enquiry by registering false First Information Report in future against him except following due process of law.

2. It is submitted that on 03.01.2026, the petitioner, along with his friend Mari @ Kiruku Mari, went to a shop near Police Station Road, Thiruthangal, during which they were inspected by the respondent police. No contraband was recovered from the possession of the petitioner, and he was not involved in the possession, sale, transportation, or financing of any narcotic substance. A small quantity of ganja was allegedly recovered only from his friend Mari, without the knowledge of the petitioner. The 2nd respondent detained the petitioner and threatened to foist a false case in future. Therefore, this petition.

3. The learned Government Advocate (Crl.Side) on instructions submits that as on date, no case is pending against the petitioner herein.



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

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

(a) If any complaint is received against the petitioner, the respondent-police shall issue written summons/notice under Section 62 Cr.P.C/64 BNSS, 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 him to seek legal remedies including anticipatory bail.



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(d) If the dispute is found to be civil in nature, the complaint shall be closed forthwith, without any coercive or intimidatory action.

6. With these directions, this Direction Petition stands disposed of.

20.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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