



CRL OP(MD). No.623 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.623 of 2026

Selvaraj

... Petitioner

Vs

1.State of Tamil Nadu,
Rep By, The Commissioner of Police,
Madurai City,
Madurai.

2.State of Tamil Nadu, represented by
The Inspector of Police(L&O),
Avaniyapuram Police Station,
Madurai City.

3.Arulkumar

... Respondents

PRAYER :-

To direct the respondent not to harass the petitioner in a civil dispute between the petitioner and the 3rd respondent without following due process of law under the guise of enquiry.

For Petitioner : M/s.R.Murugappa
Advocate.

For Respondent : Mr.M.Sakthi Kumar for R1 and R2
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to direct the respondent not to harass the petitioner in a civil dispute between the petitioner and the 3rd respondent without following due process of law under the guise of enquiry.

2. Considering the nature of the relief sought for, notice to the 3rd respondent is dispensed with.

3. Learned counsel for the petitioner submitted that he is a transport owner who is running his business in the name and style of Thimmalammal Lorry Transport. He used to fill up diesel in the third respondent Petrol Bunk. It is alleged that the petitioner has also purchased tyre from the third respondent. In this regard, a complaint has been made before the second respondent that the petitioner has to pay a sum of Rs.24,55,000/- to the third respondent. This Criminal Original Petition is filed to direct the respondent police, not to harass the petitioner in the name of enquiry.



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4. The learned counsel for the petitioner submitted that it is only a business transaction between the petitioner and the 3rd respondent. He further submitted that the 3rd respondent filed a complaint, leading to a summons for enquiry at the 2nd respondent police Station. Despite the dispute being civil in nature, the 1st and 2nd respondent police are allegedly pressuring the petitioner to appear, causing harassment.

5. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that an enquiry has been conducted on the complaint given by the 3rd respondent against the petitioner and the petitioner had duly appeared and sought time for producing certain documents and the matter is pending.

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

7. This Court is conscious that under Section 528 BNSS, 2023, it may issue appropriate directions to ensure that police powers are



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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.

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

(a) On the complaint received against the petitioner, the respondent-police shall issue written summons/notice under Section 62 Cr.P.C., 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 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.



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(e) The respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.

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

12.01.2026

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

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L. VICTORIA GOWRI,J

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To

- 1.The Commissioner of Police, Madurai City, Madurai.
2. The Inspector of Police(L&O), Avaniyapuram Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.623 of 2026

Date : 12/01/2026