



Crl.O.P(MD)No.924 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.924 of 2026

1.K.Gayathri

2.KarthickPandian

... Petitioners

Vs.

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

2.The State of Tamil Nadu,
Rep.by its The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.

... Respondents/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents not to harass the petitioners and their family members in the guise of enquiry.

For Petitioner : Mr.S.Maya Perumal

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



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Crl.O.P(MD)No.924 of 2026

ORDER

This Criminal Original Petition is filed seeking to direct the respondents not to harass the petitioners and their family members in the guise of enquiry.

2. The petitioners submit that the *defacto* complainant, Maha @ Mahamayee, has lodged a false complaint against them. It is stated that the petitioners, who are husband and wife, had arranged an Aadal Padal / Orchestra programme in their locality, in which the *defacto* complainant was engaged as a singer along with her relative Manikandan. For the purpose of financial transactions relating to the programme, the *defacto* complainant utilised the petitioners' bank account. The petitioners deny any misuse or misappropriation of the said funds. However, the *defacto* complainant lodged a complaint before the respondent police alleging an offence under Section 318(4) of the BNS. Pursuant thereto, both parties appeared before the respondent police for enquiry. Even thereafter, the petitioners are continuously subjected to harassment. Therefore, this petition.



Crl.O.P(MD)No.924 of 2026

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3. The learned Government Advocate (Crl.Side) submitted that an enquiry was conducted and closed on 20.12.2025.

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) With respect to the complaint received against the petitioners, the respondent-police shall issue written summons/notice under Section 41-A Cr.P.C/35(3) 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.



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Crl.O.P(MD)No.924 of 2026

(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 him 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.

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,
Pudukkottai,
Pudukkottai District.



Crl.O.P(MD)No.924 of 2026

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2. The Inspector of Police,
District Crime Branch,
Pudukkottai,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.924 of 2026

L.VICTORIA GOWRI, J.

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Crl.O.P(MD)No.924 of 2026

20.01.2026