



Crl.OP(MD)No.779 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2026

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD).No.779 of 2026

Mansoor Alikhan

...Petitioner

Vs.

- 1.State of Tamil Nadu
rep., by the Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Deputy Superintendent of Police,
Tenkasi Division,
Tenkasi.
- 3.The Inspector of Police,
Tenkasi Town Police Station,
Tenkasi District.

4.Jasmin

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to pass an order directing the second and third respondents not to harass the petitioner and his family members in the guise of enquiry, by considering the representation dated 06.01.2026.



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For Petitioner : Mr.S.Muthukumar
For R1 to R3 : Mr.M.Sakthikumar
Government Advocate (Crl.side)

ORDER

Seeking to direct the respondents 2 and 3 not to harass the petitioner and his family members in the guise of enquiry by considering the petitioner's representation dated 06.01.2026, this criminal original petition is filed.

2.Since no adverse order is going to be passed as against the fourth respondent, notice to her is dispensed with.

3.The learned counsel for the petitioner submitted that, under the guise of an enquiry, pursuant to a complaint lodged by the fourth respondent against the petitioner with respect to the money dispute, the petitioner has been continuously subjected to harassment and, therefore, sought the indulgence of this Court.



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4.The learned Government Advocate (Crl.side), on instructions, submitted that the fourth respondent is living separately from her husband, at that time, the petitioner acquainted with the fourth respondent and on that basis, the petitioner borrowed money for a sum of Rs.55,00,000/- from the fourth respondent due to business needs. Thereafter, the petitioner failed to repay the same. Hence, the fourth respondent lodged a complaint as against the petitioner. He further submitted that all the transactions are account transactions and the same would suffice to prove the transaction, which actually took place and only in this regard the petitioner was required to appear before the third respondent Police for enquiry.

5.Per contra, the learned counsel for the petitioner submitted that only an amount of price 45,55,000/-had been borrowed by the petitioner and he had already repaid an amount of Rs.20,35,000/- through G-pay facilities and only an amount of Rs.25,20,000 has to be paid. He further undertakes before this Court orally that the petitioner will settle the entire balance amount within a period of six months.



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

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

(a) on the complaint received by the third respondent Police against the petitioner from the fourth respondent, 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 third respondent police is directed to consider the petitioner's proposal and to accept the same, if found feasible.

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

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



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be given prior written notice, enabling him to seek legal remedies including anticipatory bail.

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

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

19.01.2026

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Deputy Superintendent of Police,
Tenkasi Division,
Tenkasi.
- 3.The Inspector of Police,
Tenkasi Town Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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