



Crl.OP(MD)No.994 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.994 of 2026

1.Ponnar
2.Francisco
3.Kullammal

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch Police Station,
Dindigul District.

3.Axal

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioners on the basis of false complaint preferred by the third respondent by considering the petitioner's representation dated 06.01.2026.



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For Petitioners : Mr.A.Aruljenifer
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

Seeking direction to the second respondent police not to harass the petitioners on the basis of the complaint given by the third respondent by considering the petitioner's representation dated 06.01.2026, this criminal original petition is filed.

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

3.The learned counsel for the petitioners submitted that three writ petitions were filed by the third respondent as against the award of payment of gratuity to the petitioners and others and the same were dismissed. In this regard, he had developed a grudge as against the petitioners herein, as a result of which, he had been giving false



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complaint one after the other, for which, the petitioners are required to appear before the respondent police and are subjected to harassment and hence, sought for indulgence of this Court.

4.The learned Government Advocate (crl.side) appearing for the respondent police, on instructions, submitted that the third respondent has filed an application under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.II, Dindigul, which was disposed of directing the second respondent police to conduct enquiry and to find out whether any cognizable offenses are made out as against the petitioners and register a case, if cognizable offence is made out and file a report before the Magistrate. In this regard, an enquiry has already been conducted and the petitioners have appeared and the same is pending.

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



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

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

(a) If any complaint is received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 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 petitioners shall be



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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 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 allowed.

21.01.2026

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



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To

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



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L.VICTORIA GOWRI, J.

Rmk

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