



CRL OP(MD). No.1359 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

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C.Velmurugan

... Petitioner

Vs

1. The State of Tamilnadu, Rep.,
By the Superintendent of Police,
Thoothukudi District,
Thoothukudi..

2. State of Tamilnadu Rep by
Inspector of Police, Pudukkottai Police Station,
Thoothukudi District.

3. Muthuselvi,
W/o.Devasagayam,
Pottaloorani Village,
Sri Vaikundam Taluk,
Thoothukudi District.

... Respondents

PRAYER :-

To direct the 1st and 2nd respondents Not to Harass the petitioner at the guise of enquiry.

For Petitioner : Mr. R.M.Suresh,
Advocate.

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



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ORDER

This Criminal Original Petition is filed to direct the 1st and 2nd respondents not to Harass the petitioner at the guise of enquiry.

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

3. The learned counsel for the petitioner submitted that there is a money dispute 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 is being job racketing in nature involving settlement of money, the 1st and 2nd respondent police are allegedly pressuring the petitioner to appear, causing harassment.

4. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that it is not the third respondent, but her husband, who had lodged a complaint against the



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petitioner with respect to the job racketing. In this regard, the respondent has called the petitioner for enquiry and the petitioner has not co-operated for the enquiry. He had questioned the authority of the second respondent to enquire him with respect to the said complaint. He further submitted that after conducting enquiry, the complaint was closed on 05.01.2026.

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

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:



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(a) If any complaint is received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 of Cr.P.C/ 64 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 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.

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



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

27.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Superintendent of Police, Thoothukudi District, Thoothukudi.
2. The Inspector of Police, Pudukkottai Police Station, Thoothukudi 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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