



CRL OP(MD). No.1380 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

CRL OP(MD). No.1380 of 2026

P. Arun

... Petitioner

Vs

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

2. The Inspector of Police,
Vengamedu Police Station,
Karur District.

... Respondents

PRAYER :-

To direct the second respondent not to harass the petitioner and her family members under the guise of enquiry except in accordance with due process of law.

For Petitioner : M/s. Arun Prasad.A.,
Advocate.

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



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ORDER

This Criminal Original Petition is filed to direct the second respondent not to harass the petitioner and her family members under the guise of enquiry except in accordance with due process of law.

2. The petitioner submitted that the instead of one Durai Senthil, the petitioner had mortgaged the jewels belonging to the said Durai Senthil with Rajamurugan, Auto Finance, Pawn Shop. However, the petitioner is being subjected to harassment by the respondent police, as if the said jewellery are fake. Hence his petition.

3. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that the petitioner is a habitual offender. The petitioner is running a Tailoring shop. He had pledged jewels in the adjacent pawn shop run by the defacto complainant. The petitioner had also introduced 9 other person for pledging spurious jewels with the defacto complainant's pawn shop. Thereby the petitioner cheated to the tune of Rs.80 Lakhs.



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4. Learned counsel for the petitioner submitted that the petitioner is suffering from some spinal issues for which he is likely to undergo a surgery within a week for which he sought this Court a period of two months to cooperate with the enquiry which has been initiated by the 2nd respondent police.

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

6. Considering the fact that even if the petitioner is bedridden and he is likely to undergo a surgery, the police cannot keep matter pending to the detriment of the victims. Therefore, the respondent police is permitted to enquire the petitioner at his residence.

7. 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.



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8. To allay the petitioner's 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 of Cr.P.C. / Section 64 of 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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9. 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, Karur District, Karur.
2. The Inspector of Police, Vengamedu Police Station, Karur 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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