



CRL OP(MD). No.758 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/01/2026

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.758 of 2026

Saktivel

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Superintendent of Police (Rural),
O/o.Superintendent of Police,
Subramaniapuram,
Trichy District.

2. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Musiri Taluk,
Trichy District.

3. State of Tamilnadu Rep by
Inspector of Police, Kattuputhur Police Station,
Trichy District.

4. Chinnaiyan

... Respondents

PRAYER :-

To directing the respondent Not to Harass the petitioner in connection with the CSR No.827 of 2025 pending on the file of the third respondent.



CRL OP(MD). No.758 of 2026

For Petitioner : Mr. Saravanan. M,
Advocate.

For Respondents : Mr.M.Sakthi Kumar for R1 to R3
Government Advocate (Crl.Side)

Mr.Pragadeeshkumar for R4

ORDER

This Criminal Original Petition is filed to directing the respondent Not to Harass the petitioner in connection with the CSR No.827 of 2025 pending on the file of the third respondent.

2. The learned counsel for the petitioner submitted that the fourth respondent had lodged a complaint against the petitioner claiming that the fourth respondent has lodged a complaint against the petitioner for having constructed a house in his own property.

3. Per contra, Mr.M.Sakthi Kumar, learned Government Advocate (Crl.side), on instructions, submitted that though the petitioner claimed to have constructed a house in his own property. On receipt of complaint from the fourth respondent and after proper enquiry, it is understood that



CRL OP(MD), No.758 of 2026

he has encroached certain area in the neighboring plot belonging to the fourth respondent. In this regard, the the petitioner had already appeared before the third respondent police and the petitioner had agreed to stop the construction till the land is surveyed and boundaries are marked.

4. Learned counsel for the petitioner categorically contended that at any point of time, he had not given anything in writing to the respondent police. The respondent police in this regard.

5. Learned counsel for the fourth respondent submitted that the petitioner may be restrained from making any further construction until the boundaries are marked.

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

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



CRL OP(MD), No.758 of 2026

converts civil disputes into criminal proceedings without the essential ingredients of an offence being made out.

8. To allay the petitioners' 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 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 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.



CRL OP(MD), No.758 of 2026

(f) The petitioner is restrained from making any further construction until the boundaries are demarcated.

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

12.01.2026

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

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To

1. The Superintendent of Police (Rural),
O/o. Superintendent of Police,
Subramaniapuram,
Trichy District.

2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Musiri Taluk,
Trichy District.

3. The Inspector of Police, Kattuputhur Police Station,
Trichy District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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CRL OP(MD), No.758 of 2026

L.VICTORIA GOWRI, J

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ORDER
IN
CRL OP(MD) No.758 of 2026

Date : 12/01/2026