



CRL OP(MD). No.1247 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.1247 of 2026

Govindasamy

... Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nggo Colony,
Srivilliputhur,
Virudhunagar District.

3. The Inspector of Police,
Wathirairuppu, Police Station,
Waithiraippu,
Virudhunagar District.

... Respondents

PRAYER :-

To direct the 2nd and 3rd respondent not to harass the petitioner and his family members under the guise of enquiry by considering the representation of the petitioner dated 05.01.2026.



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For Petitioner : Mr. K.Samidurai,
Advocate.

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd and 3rd respondents not to harass the petitioner and her family members in the guise of enquiry, by considering the representation dated 05.01.2026.

2. The learned counsel for the petitioner submitted that there is a civil dispute between the petitioner and one Athinarayanan. He has filed a suit in O.S.No.100 of 2025 and since the said Athinarayanan had died, the suit was dismissed as abated. He further submitted that due to the dismissal of the suit, the 2nd and 3rd respondents are insisting the petitioner to hand over the possession of the property and also threatening him not to enter into the property of the petitioner. Despite the dispute being civil in nature, the 2nd and 3rd respondent police are allegedly pressuring the petitioner to appear, causing harassment.



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3. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that so far no complaint has been given against the petitioner.

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

5. 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.

6. 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 Cr.P.C / 64 BNSS, 2023, specifying the date, time, and purpose of enquiry. Oral or informal summons are prohibited.



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(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.

7. 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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1. The Superintendent of Police, Virudhunagar District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nggo Colony, Srivilliputhur, Virudhunagar District.
3. The Inspector of Police, Wathirairuppu, Police Station,
Waithiraippu, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
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