



CRL OP(MD). No.1370 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.1370 of 2026

Sathish Kumar

... Petitioner

Vs

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

2. The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

3. Saravanan

... Respondents

PRAYER :-

To direct the 1st and 2nd respondents Not to Harass the petitioner under the guise of enquiry considering the petitioner's representation dated 12.01.2026.

For Petitioner : M/s. Kannan.V.,
Advocate.

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



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CRL OP(MD). No.1370 of 2026

ORDER

This Criminal Original Petition is filed to direct the 1st and 2nd respondents Not to Harass the petitioner under the guise of enquiry considering the petitioner`s representation dated 12.01.2026.

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 With respect to money transaction between the petitioner and the third respondent, it is seen a complaint has been received by the second respondent police as against the petitioner from the third respondent. Though the petitioner had already settled the entire amount, the second respondent police is unnecessarily subjecting him to harassment. Hence, the present petition.

4. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that the petitioner had received a sum of Rs.8 Lakhs from the third respondent. On the basis of



CRL OP(MD). No.1370 of 2026

the complaint complaint given by the 3rd respondent against the petitioner, the respondent police has conducted enquiry. At the time of enquiry a sum of Rs.5 Lakhs was returned by the petitioner to the third respondent and the petitioner sought time to pay the balance. Based on the undertaking given by the petitioner, the enquiry was closed. Without complying the undertaking given by the petitioner, he has approached this Court by filing the present petition.

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

6. With respect to the balance amount of Rs. 3 Lakhs, which has already been agreed by the petitioner before the respondent police, it is made clear that the petitioner cannot be subjected to harassment by the police.

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.1370 of 2026

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

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.



CRL OP(MD). No.1370 of 2026

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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, Sivagangai District, Sivagangai.
2. The Inspector of Police, Karaikudi South Police Station, Sivagangai District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.1370 of 2026

L. VICTORIA GOWRI,J

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