



CRL OP(MD). No.1770 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

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M.Ravishankar

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Commissioner of Police,
Alagarkovil Road,
K.Pudur, Madurai.

2. The Inspector of Police,
E-3, Anna Nagar (Crimes) Police Station,
Madurai.

3. G.S.Rajesh

... Respondents

PRAYER :-

To direct the second respondent herein not to harass the petitioner herein in the guise of any Criminal Complaint and in the name of enquiry.

For Petitioner : Mr. K.Appadurai,
Advocate.

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



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ORDER

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This Criminal Original Petition has been filed to direct the second respondent herein not to harass the petitioner herein in the guise of any Criminal Complaint and in the name of enquiry.

2. Considering that no adverse order is likely to be passed as against the third respondent, notice to the third respondent is dispensed with.

3. The learned counsel for the petitioner submitted that there was a money dispute between the petitioner and one Thiyagarajan and since the said Thiyagarajan had died, the petitioner was illegally detained by the respondent police and forced to give an undertaking that the petitioner will give 320 grams of gold jewel to one Rajesh/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 being civil in nature, the 1st and 2nd respondent police are allegedly pressuring the petitioner to appear, causing harassment.



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4. However, the learned Government Advocate, Mr.M.Sakthi Kumar (Crl.side) on instructions, submitted that the petitioner has received jewels from the third respondent and failed to return the same. Therefore, the third respondent has made the present complaint. He further submitted that enquiry is pending on the complaint given by the 3rd respondent against the petitioner and the same will be concluded within a short period of time.

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 petitioner's apprehensions and to ensure fairness, the following directions are issued:



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(a) On the complaint received against the petitioner, 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 petitioner 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.

30.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Commissioner of Police, Alagarkovil Road, K.Pudur, Madurai.
2. The Inspector of Police, E-3, Anna Nagar (Crimes) Police Station, Madurai.



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L. VICTORIA GOWRI, J

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