



Crl.OP(MD)No.2011 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.2011 of 2026

Akilan

... Petitioner

Vs.

1.The State of Tamil Nadu
rep., by The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

3.K.S.Dhinakaran

4.The District Revenue Divisional Officer,
Madurai.

... Respondents

(R4 is suo motu impleaded vide this Court order dated 03.02.2026)

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the first respondent to insruct the second respondent police, not to interfere into the civil disputes under the guise of enquiry without due process of law as per the circular issued by the Additional



Crl.OP(MD)No.2011 of 2026

Director General of Police, Tamil Nadu in C.No. 18/ADGP/L&O/camp/2024 dated 09.01.2024 on the basis of the petitioner's representation dated 23.01.2026.

For Petitioner : Mr.B.Anandan
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : Mr.B.Chandramohan
For R4 : Mr.T.Amjadkhan
Government Advocate

ORDER

Seeking to direct the second respondent police not to interfere with the civil dispute, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner's mother, namely, Panchavarnam, had been the cultivating tenant in a property situated in S.No.22/1C comprising of 2 acres. After her death, the same has been transferred to the petitioner herein and he is continuously in possession of the same as a cultivating tenant and he is continuing to cultivate in the said land. Without any rhyme or reason and even title, the third respondent has approached the police with the



Crl.OP(MD)No.2011 of 2026

sole intention to harass the petitioner by interfering with the peaceful possession and enjoyment of the petitioner with respect to the said property as cultivating tenant. He further pointed out that with respect to the tenancy right, already the matter is seized off by the jurisdictional Revenue Divisional Officer in Review Application No. 3090329/G3/2025. Based on the complaint received from the third respondent, the petitioner is continuously subjected to harass and hence, this petition.

3.The learned counsel for the third respondent submitted that one Krishnamani, original owner, was in possession and title over the said property. However, without her knowledge, the petitioner's mother, Panchavarnam, had managed to create (உழுவடை பாத்தியம்) cultivating tenancy rights from a stranger, namely, Ratnam, in her favour with respect to the aforesaid property vide No.1163 of 1996 dated 02.08.1996. By the strength of the said (உழுவடை பாத்தியம்) tenancy document, she managed to get the tenancy patta (உழுவடை பட்டா) from the revenue authorities. On coming to know of the same, the daughter



Crl.OP(MD)No.2011 of 2026

of the said Krishnamani, namely, Usharani, had approached the North Tahsildar, Madurai, to cancel the said concocted tenancy agreement by including the petitioner and his sisters as parties to the proceedings in Me.Mu.No.5/2023 on 30.10.2024 and a proper enquiry was conducted and the same was allowed in favour of the said Usharani. Challenging the same, the petitioner has filed a writ petition in W.P(MD).No.1594 of 2025 and the same was also dismissed by this Court by order dated 05.02.2025. However, liberty has been given to approach the Appellate Authority. In compliance with the same, the petitioner had preferred a review application in Rev.Aplc.No.3090329/G3/2025 before the District Revenue Divisional Officer, Madurai, challenging the proceedings of the North Tahsildar, Madurai. Even before the petitioner filed a review application before the District Revenue Divisional Officer, the third respondent herein had filed Crl.O.P(MD).No.23150 of 2025, which was disposed of by this Court by order dated 16.12.2025 directing the third respondent police therein to summon the respondent 4 and 5 i.e., K.Chezhian and K.Akilan(petitioner herein), in accordance with law, peruse the documents available and thereafter, provide



necessary protection to the third respondent, if necessary.

4.The learned Government Advocate (crl.side), at this time, intervened to tell that only on the direction of this Court, proper summon was served on the petitioner requiring him to appear for enquiry. However, without appearing for enquiry and without co-operating with the ongoing enquiry, the petitioner has come before this Court with this petition.

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

6.It is clear from the submission by the respective parties that the review application No.3090329/G3/2025 is pending before the Revenue Divisional Officer, Madurai. However, it is also clear that this Court has already passed an order in Crl.O.P(MD).No.23150 of 2025 directing the second respondent police herein to summon the petitioner herein with respect to the very same dispute and accordingly, the second respondent



Crl.OP(MD)No.2011 of 2026

police had issued a summon, for which, the petitioner did not appear and now, the petitioner's claim is that the respondent police should not interfere with the dispute involved, pending disposal of the review application by the District Revenue Divisional Officer, Madurai. In view of the same, the District Revenue Divisional Officer, Madurai, is *suo moto* impleaded as the fourth respondent in this petition. Registry is directed to carryout the necessary amendment in the cause-title. Mr.Amjad Khan, learned Government Advocate, takes notice for the fourth respondent. The fourth respondent is directed to dispose of the review application No.3090329/G3/2025 within a period of four weeks from the date of receipt of copy of this order. In the meanwhile, the petitioner is directed to co-operate with the enquiry which is pending with the second respondent police and he is also directed to produce the all necessary documents to substantiate his right of tenancy with respect to the subject property.

7.In view of the petitioner's submission that without issuing any summons, the second respondent police is requiring him to appear, the



Crl.OP(MD)No.2011 of 2026

second respondent-police is directed to 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.

(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 him 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 respondent police shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.



Crl.OP(MD)No.2011 of 2026

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

03.02.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)No.2011 of 2026

L.VICTORIA GOWRI, J.

Rmk

CRL OP(MD)No.2011 of 2026

03.02.2026