



Crl.O.P.(MD)No.2109 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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Perumavalavan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep By, The District Superintendent of Police,
O/o.The District Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent Of Police,
O/o.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.
3. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
4. Ajitha Malini
5. Sachintha Malini

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the Respondent No.3 and their officials not to interfere in the civil dispute on the basis of the petitioner's complaint dated 27.01.2026.



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For Petitioner : Mr.A.Joel Paul Antony
For Respondent : Mr.M.Sakthi Kumar (R1 to R3)
Government Advocate

ORDER

The petitioner seeks for a direction to the 3rd respondent and their officials not to interfere in the civil dispute, on the basis of the petitioner's complaint dated 27.01.2026.

2. The learned counsel for the petitioner submitted that on receipt of the complaint from the fourth respondent, the petitioner is subjected to harassment by the respondent police in the name of enquiry and hence, this petition came to be filed.

3. The learned Government Advocate appearing for the respondent police submitted that the petitioner and the private respondents are siblings and the fourth respondent lodged a complaint against the petitioner alleging that, after the demise of his parents, the petitioner, without the consent of his siblings, has taken away the jewellery and other property documents that were kept in a bank locker in his mother's name. Since the petitioner is working in Hyderabad, he did not appear before the respondent police.



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4. At this juncture, the learned counsel for the petitioner submitted that the petitioner will appear for enquiry and claimed that this is a civil dispute between the petitioner and his siblings,

5. Heard the learned counsels on either side and carefully perused the materials available on record. Since no adverse order is proposed to be passed against the private respondents, notice to them is dispensed with.

6. Though the learned counsel appearing for the petitioner claimed that this is a civil dispute between the petitioner and his siblings. From the submission made by the learned Government Advocate, it is understood that jewellery of the deceased mother has been taken completely by the petitioner and only in this regard, the fourth respondent has given a complaint. Hence, I find it necessary that the petitioner should appear for enquiry, which is being conducted by the third respondent 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 converts civil disputes into



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criminal proceedings without the essential ingredients of an offence being made out.

8. However, to allay the petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) With respect to the complaint received against the petitioner, 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.

(b) The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioner's 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 respondent police shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.



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

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NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The District Superintendent of Police,
O/o.The District Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent Of Police,
O/o.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.
3. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.2109 of 2026

Dated
04.02.2026