



Crl.O.P.(MD)No.2089 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2026**

CORAM:

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

Crl.O.P.(MD)No.2089 of 2026

M.Sekar

... Petitioner

Vs.

1. The Superintendent of Police,
The District Police Office,
Pudukkottai District,
Pudukkottai.

2. State of Tamilnadu,
Rep by Inspector of Police,
Keeranur Police Station,
Pudukkottai District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the respondents 1 & 2 not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.G.Bhagavath Singh

For Respondent : Mr.M.Sakthi Kumar (R1 & R2)

Government Advocate



CrI.O.P.(MD)No.2089 of 2026

ORDER

WEB COPY

The petitioner seeks for a direction to the respondents 1 & 2 not to harass the petitioner in the guise of enquiry.

2. The learned counsel for the petitioner submitted that on receipt of the complaint received from one Sekar @ Velayutham, the petitioner is being subjected to harassment by the respondent police in the name of enquiry.

3. The learned Government Advocate appearing for the respondent police submitted that the petitioner herein was a life convict and was subsequently acquitted by the trial Court. While he was undergoing incarceration, he had collected various information under the Right to Information Act with respect to the present complaint, which is stated to have arisen out of a commercial building constructed on poramboke land. After being released from jail, the petitioner allegedly threatened one Sekar @ Velayutham in order to extract money from him, for which a complaint was lodged against the petitioner. Pursuant to the said complaint, the petitioner was called for enquiry.



CrI.O.P.(MD)No.2089 of 2026

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

(a) With respect to the complaint received as 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.



Crl.O.P.(MD)No.2089 of 2026

(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.

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

04.02.2026

NCC : Yes / No
Index : Yes / No
sm



Crl.O.P.(MD)No.2089 of 2026

TO:-

WEB COPY

1. The Superintendent of Police,
The District Police Office,
Pudukkottai District,
Pudukkottai.
2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.2089 of 2026

L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.2089 of 2026

Dated
04.02.2026