



Crl.O.P.(MD)No.2122 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2026**

CORAM:

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

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Bharath

... Petitioner

Vs.

1. The State of Tamil Nadu Rep By,
The Superintendent of Police,
District Crime Branch,
Theni District.

2. The Inspector of Police,
District Crime Branch,
Theni.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the 2nd respondent police not to harass the petitioner in civil dispute.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mr.M.Sakthi Kumar

Government Advocate



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ORDER

The petitioner seeks for a direction to the 2nd respondent police not to harass the petitioner in civil dispute.

2. The learned counsel for the petitioner submitted that on receipt of the complaint from a third party, namely, Mariyo Sarprasatham Vijay, 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 said Mariyo Sarprasatham Vijay entered into a sale agreement with the petitioner, for which the petitioner received an amount of Rs.65 lakhs from the said Mariyo Sarprasatham Vijay. However, the sale agreement was not effected to. Pursuant to the earlier agreement, the petitioner executed a power of attorney to one Muthammal and enquiry is still pending.



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4. At this juncture, the learned counsel for the petitioner submitted that the petitioner never ever entered into any agreement with the said Mariyo Sarprasatham Vijay. He had not received any money at any point of time from the said person. It is an absolute false allegation, on the basis of which, he had given a complaint and sought indulgence of this Court.

5. The learned counsel appearing for the petitioner further submitted that despite the petitioner having appeared before the second respondent police on several occasions and having given a proper explanation, he is being repeatedly summoned again and again for enquiry, for which, the learned Government Advocate appearing for the respondent police submitted that he never appeared before the respondent police and the explanation was sent only through post.

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



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

8. However, considering the nature of the dispute involved, 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.



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(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.

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

04.02.2026

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
CrI.O.P.(MD)No.2122 of 2026

Dated
04.02.2026