



CrI.O.P.(MD)No.2124 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2026**

CORAM:

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

CrI.O.P.(MD)No.2124 of 2026

Sivagnanam

... Petitioner

Vs.

The State of Tamil Nadu Rep. by

1. The Commissioner of Police,
Madurai City,
Madurai Town and District.

2. The Inspector of Police,
All Women Police Station,
Madurai Town, South,
Madurai Town and District.

3. Abinaya

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the first respondent to direct the second respondent herein not to harass the petitioner and his family members based on the false complaint of the third respondent under the guise of enquiry.

For Petitioner : Mr.NA.Palaniyandi

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

Government Advocate

Mr.J.Yogeswaran (R3)



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ORDER

The petitioner seeks for a direction to the respondent police not to harass the petitioner and his family members based on the false complaint of the third respondent under the guise of enquiry.

2. The learned counsel appearing for the petitioner submitted that the petitioner had earlier filed a petition for divorce in H.M.O.P. No. 298 of 2023 before the Sub Court, Uthamapalayam, Theni District. Pending the said proceedings, the third respondent, with an intention to wreak vengeance, lodged a false complaint against the petitioner. It was further submitted that, for the purpose of enquiry, the petitioner appeared before the respondent police on three occasions and submitted written explanations both in person and by post. Despite the same, the respondent police allegedly compelled the petitioner to settle the matter and withdraw the pending matrimonial proceedings.

3. The learned counsel appearing for the third respondent submitted that although the petitioner has filed a petition for divorce, he has not returned the jewelry belonging to the third respondent. It was further submitted that the parties have a child suffering from autism and, under such circumstances, it is



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necessary that the petitioners forthwith settle and return the assets belonging to the third respondent.

4. However, the learned Government Advocate appearing for the respondent police submitted that, on an earlier occasion during enquiry, the petitioner had assured that he would return the jewelry belonging to the third respondent within a period of one year. Since the petitioner failed to return the said jewelry even after the lapse of the said period, the third respondent once again lodged a complaint before the respondent police. Pursuant thereto, the petitioner was called upon for enquiry.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. It is evident from the submissions made by the learned Government Advocate that, during an earlier enquiry conducted by the second respondent police, the petitioner appeared and gave an undertaking seeking time to return the jewelry and other movable properties belonging to the third respondent. Only after the lapse of the said one-year period, and due to the petitioner's prolonged default in complying with the undertaking given before the second



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respondent police, the petitioner was once again called upon for enquiry.

However, he is not cooperating with the enquiry. It is understood that already a petition for divorce has been filed by the petitioner in H.M.O.P.No. 298 of 2023 before the Sub Court, Uthamapalayam, Theni District.

7. It is the considered opinion of this Court that the respondent police cannot exercise any power to compel the petitioner to settle or return the jewelry or other movable assets belonging to the third respondent, which are claimed to be in the possession of the petitioner. In this regard, the third respondent is directed to file a petition forthwith under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking return of the jewelry and other movable assets alleged to be in the possession of the petitioner.

8. Considering the plight of the third respondent, who is suffering the repercussions of a separated life and also the burden of maintaining her child, who is suffering with autism, this Court is of the considered view that the petitioner must discharge his responsibility as a father towards his minor daughter. In this regard, invoking the inherent powers of this Court under Article 528 of BNSS, this Court hereby directs the petitioner to draw a demand



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draft for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in the name of the minor child, nominating the third respondent as her guardian. The said amount shall be deposited forthwith in an interest-bearing fixed deposit account in any one of the nationalised banks, on or before 16.02.2026. The third respondent is permitted to withdraw the interest accrued on the said amount and utilise the same for the health, medical care, and well-being of the minor child.

9. With the above directions, this criminal original petition stands disposed of.

10. Post the matter for reporting compliance and also for mediation before this Court on or before **17.02.2026**.

04.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Commissioner of Police,
Madurai City,
Madurai Town and District.
2. The Inspector of Police,
All Women Police Station,
Madurai Town, South,
Madurai Town and District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.2124 of 2026

Dated
04.02.2026