



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

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

Crl.O.P.(MD).No.2324 of 2026

K.Murugan

...Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent police not to harass the petitioner or compelling him to appear before the second respondent station.

For Petitioner : Mr.C.Venkatesh

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed to direct the second respondent police not to harass the petitioner or compelling him to appear before the second respondent station.



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2.The learned counsel for the petitioner submitted that on receipt of the complaint from one Abdul Ajeez, the second respondent police has issued summons in C.No.259/Inspr/CCB/Ptn/TIN-e/25 and in this regard, the second respondent has been requiring the petitioner to appear before them. Hence, the above petition.

3.The learned Government Advocate (crl.), on instructions, submitted that the petitioner is properly summoned, on receipt of the complaint from one Abdul Ajeez, however, he is not turning up and co-operating with the ongoing enquiry. He further submitted that the dispute is with respect to the property belonging to the petitioner's father and his four brothers, comprised in R.S.Nos.527/3 and 527/5 to an extent of 1 acre and 80 cents. In respect of the said property, two power of attorneys were executed as early as in the year 1990 by all the five co-owners vide Doc.No.123 of 1990 and 137 of 1990 appointing one Gomathiammal as power agent. Thereafter, the power holder had executed a sale deed in favor of the defacto complainant/Abdul Ajeez vide Doc.No.887 of 1993 with respect to all those properties. Suppressing the earlier sale, the petitioner along with other other co-sharers subsequently executed another sale deed in respect of very same property, which was already sold to the defacto complainant/ Abdul Ajeez. Hence, complaint has been received from the said Abdul Ajeez and only in that regard, a proper summon was issued to the petitioner.



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

5. From the submissions of the petitioner and the averments made in the petition, it is understood that the petitioner was required to appear before the second respondent—Police only by issuing proper summons. However, the petitioner has not appeared before the second respondent Police. In this regard, there is no necessity for the petitioner to apprehend threat, as he is merely required to appear before the second respondent Police in response to the summons issued. In addition to that, to allay the petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) In the complaint received against the petitioner, the second 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 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 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 respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.

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

06.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2. The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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