



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.2335 of 2026

R.Balasubramani

...Petitioner

Vs.

1.State of Tamil Nadu,
The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
South Gate Region,
Madurai City.

3.The Inspector of Police,
Therkuvasal Police Station,
Madurai & District.

4.Thiruppathi Raja

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the third respondent not to harass the petitioner on the guise of enquiry.

For Petitioner : Mr.N.Balasubramanian

For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



ORDER

This criminal original petition has been filed to direct the third respondent not to harass the petitioner on the guise of enquiry.

2.The learned counsel for the petitioner submitted that on receipt of complaint from one Thiruppathi Raja/fourth respondent herein, the third respondent police is continuously harassing the petitioner. Hence this petition.

3.The learned Government Advocate (Criminal Side), on instructions, submitted that the fourth respondent was running a jewelry shop and that the petitioner is a close friend of the fourth respondent. On the relevant date, the fourth respondent had purchased two sovereigns of gold from a third party. Thereafter, the petitioner came to the shop. Soon after the petitioner left the premises, upon verification, it was found that the two sovereigns of gold were missing. In this connection, the fourth respondent lodged a complaint against the petitioner. It was further submitted that the petitioner is not cooperating with the enquiry .

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



5. Merely on the basis of the acquaintance between the petitioner and the fourth respondent, the fourth respondent is suspecting the petitioner in connection with the alleged missing of two sovereigns of gold. The petitioner, being shocked by the conduct of his friend, has approached this Court seeking the aforesaid relief. The learned counsel for the petitioner submitted that the petitioner had already appeared before the third respondent police on two occasions and had clearly explained his innocence. Despite the same, the petitioner is being continuously harassed by the respondent police.

6. To allay the apprehension of the petitioner, the following directions are issued:

(a) On the complaint given by the fourth respondent against the petitioner, the third respondent Police is directed to proceed with the investigation strictly in accordance with law and to issue written summons/notice under Section 62 Cr.P.C., /64 BNSS, 2023, specifying the date, time, and purpose of enquiry, to the petitioner, only if such summons is found to be necessary. Oral or informal summons are prohibited to the petitioner

(b) The petitioner shall not be repeatedly called for enquiry and the summon shall be issued only if the circumstances so warrant and if concrete evidence connecting the petitioner with the alleged missing jewels is identified during the course of investigation.



(c) The enquiry, if undertaken, shall be completed within two weeks from the date of the petitioner's appearance.

(d) 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 him to seek legal remedies including anticipatory bail.

(e) If the dispute is found to be civil in nature, the complaint shall be closed forthwith, without any coercive or intimidatory action.

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

06.02.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
South Gate Region,
Madurai City.
3. The Inspector of Police,
Therkuvasal Police Station,
Madurai & District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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