



CRL OP(MD). No.2632 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2632 of 2026

Balasubramaniyan

... Petitioner

Vs

1.The Commissioner of Police,
Tirunelveli District.

2.The Assistant Commissioner of Police,
Perumalpuram,
Palayamkottai,
Tirunelveli District.

3.The Inspector of Police,
Perumalpuram Police Station,
Palayamkottai Taluk,
Tirunelveli.

4.M/s. K.R.Government School,
Rep. by Its, Authorized Person,
Rettiyarpatti Village,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER :-

To directing the 2nd and 3rd respondents to not to interfere the civil dispute between the petitioner and the 4th respondent school.



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For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)
for R.1 to R.3

ORDER

This Criminal Original Petition is filed to direct the second and third respondents not to interfere with the civil dispute between the petitioner and the fourth respondent school.

2. Learned counsel for the petitioner submitted that on 03.01.2022, some unknown persons entered into the petitioner's land with JCB and threatened them by stating that the land is belonging to the K.R.Government School and they are going to build a compound wall in the property. Due to the illegal occupation made by the school management, the petitioner filed a civil suit in O.S.No.98 of 2022 before the learned I Additional District Munsif, Tirunelveli. Thereafter, the construction was stopped and the District Collector has also cancelled the construction permit. In the meantime, on 19.01.2026, the respondents 2 and 3, along with other police officials entered into the petitioner's property and tried to build a compound wall.



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3. Learned Government Advocate (Crl.side) submitted that as on date, no complaint has been received as against the petitioner.

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) If any complaint is received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 of Cr.P.C / 64 of BNSS, 2023, specifying the date, time, and purpose of enquiry. Oral or informal summons are prohibited.



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(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 petitioners shall be given prior written notice, enabling them to seek legal remedies including anticipatory bail.

(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.

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

10.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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- 1.The Commissioner of Police,
Tirunelveli District.
- 2.The Assistant Commissioner of Police, Perumalpuram,
Palayamkottai, Tirunelveli District.
- 3.The Inspector of Police, Perumalpuram Police Station,
Palayamkottai Taluk, Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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ORDER
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