



CRL OP(MD). No.2634 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.2634 of 2026

P.Bagavathinathan

... Petitioner

Vs

1.The State represented by
The Superintendent of Police,
District Police Office,
Tirunelveli District.

2.The State represented by
The Deputy Superintendent of Police,
DSP Office,
Palayamkottai,
Tirunelveli District.

3.The State represented by
The Inspector of Police,
Palayamkottai,
Police Station,
Tirunelveli District.

4.Arumugam

5.Sundari

... Respondents



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PRAYER :-

To direct the 3rd respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.R.Jegadeeswaran

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 third respondent not to harass the petitioner in the guise of enquiry.

2. Learned counsel for the petitioner submitted that the 5th respondent has filed a civil suit in OS No.121 of 2023 on the file of the II Additional District Munsif Court, Tirunelveli and the same is pending for arguments. Already a commissioner report has also been filed before the said Court. However, despite the pendency of the Civil suit before the jurisdictional civil Court, the 4th respondent lodged a complaint as against the third respondent police. Thereafter, the fourth respondent has filed a petition under section 156(3) of Cr.P.C., in Crl.M.P.No.7859 of 2025 before the learned Judicial Magistrate No.I, Tirunelveli and the

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same was disposed on 01.11.2020, by directing the third respondent to enquire the same and if any offence is made out, file a First information report. In this regard, the petitioner had made a representation on 04.02.2026 to the respondents 1 to 3 not to harass. However, his request is not considered. Seeking indulgence of this Court, this petition is filed.

3. Learned Government Advocate(Crl.side) submitted that with respect to the complaint lodged by the fourth respondent as against the petitioner herein, the third respondent police has conducted an enquiry and after enquiry closed the complaint. He further submitted that the petitioner's representation is also received. Based on the order of the learned Judicial Magistrate No.I, Tirunelveli, summon has been issued under Section 64 of BNS and required the petitioner to appear for enquiry, but the petitioner did not appear.

4. Learned counsel for the petitioner submitted that the petitioner has not received any summons so far.

5. Heard either sides and perused the materials available on record.



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6. However, the Government Advocate(Crl.side) submitted that summon was issued to the petitioner by the 3rd respondent police, the petitioner claims that he has not received the same.

7. To allay the petitioner's apprehensions and to ensure fairness, the following directions are issued:

(a) On the complaint received against the petitioner, 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.

(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.



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(e) The respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.

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

10.02.2026

NCC : Yes/No
Index : Yes / No

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To

- 1.The Superintendent of Police, District Police Office,
Tirunelveli District.
- 2.The Deputy Superintendent of Police, DSP Office,
Palayamkottai, Tirunelveli District.
- 3.The Inspector of Police, Palayamkottai, Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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