



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3055 of 2026

P.Balachandar

... Petitioner

Vs

1. The State of Tamilnadu Rep by,
The Superintendent of Police,
Office of the Superintendent of Police,
Sethupathi Nagar,
Ramanathapuram.

2. State of Tamilnadu Rep by,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

3. Arun

4. Asha Poornima

... Respondents

PRAYER :-

This petition is filed under Section 528 of BNSS, to direct the 1 and 2 respondents not to harass the petitioner under the guise of enquiry on the purported compliant given by 3 and 4 respondents / Arun and Asha Poornima.



For Petitioner : Mr.S. Vashik Ali,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side) for R1 & R2

ORDER

This petition has been filed to direct the respondents 1 & 2 not to harass the petitioner under the guise of enquiry on the purported compliant given by the respondents 3 and 4.

2. The learned counsel for the petitioner submitted that on receiving a complaint from the respondents 3 & 4 with respect to a money dispute between the petitioner and the private respondents, the second respondent police is continuously subjecting the petitioner to harassment. This is the 4th complaint, which is being lodged by the respondents 3 & 4 before the 2nd respondent for the same issue as against the petitioner. All the amount, which has been borrowed by the petitioner has already been repaid to the respondents 3 & 4 through bank transfer. However, repeated complaints were given by the private respondents in various police stations. Based on that, the second respondent police continuously harassed him in the guise of enquiry. Hence, this petition.



3. The learned Government Advocate (Crl.Side) submitted that under the loan scheme of the Prime Minister, the petitioner has received a sum of Rs.5,00,000/- from the 3rd respondent. In this regard, a complaint has been received. Earlier, the petitioner had appeared before the 2nd respondent police and assured to return the money. However, the same was not done.

4. Heard both sides and carefully perused the materials available on records.

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

(a) With respect to 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 petitioner's 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 him 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.

(f) The petitioner is directed to submit all the details of the account payment made by him to the respondents 3 & 4 and the 2nd respondent police is directed to verify the same.

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

13.02.2026

dss

To:-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sethupathi Nagar,
Ramanathapuram.
2. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

dss

ORDER
IN
CRL OP(MD) No.3055 of 2026

Date : 13/02/2026