



CRL OP(MD). No.2928 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2928 of 2026

S.Sivabalan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep By, The Superintendent of Police,
Tiruchirappalli District..

2. The Inspector of Police,
Musiri Police Station,
Tiruchirappalli District..

3. The Sub Inspector of Police,
Musiri Police Station,
Tiruchirappalli District..

4. Nithyanandam,
S/o.Krishnasamy,

5. Jaiganesh,
S/o.Kaliyamoorthy,

... Respondents



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PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents 3 and 4 not to harass the petitioner and his family members in the guise of an enquiry.

For Petitioner : Mr. M.Dinesh Hari Sudharsan,
For R1 to R3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking direction to the respondents 3 and 4 not to harass the petitioner and his family members in the guise of an enquiry.

2. The learned counsel for the petitioner submitted that the petitioner and the fifth respondent are close friends. The fourth respondent is running a chit scheme, in which the petitioner had subscribed in his own name on behalf of the fifth respondent. Thereafter, the fifth respondent availed the chit amount in the fourth installment and subsequently failed to pay the subscription from the ninth month onwards. In this regard, at the instance of the fourth respondent, the third respondent is subjecting the petitioner to harassment. Hence, he seeks the indulgence of this Court.

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3. Mr. Sakthi Kumar, learned Government Advocate (Crl. Side) appearing for the respondent police categorically contended that the petitioner alone is the subscriber to the chit and he had obtained the chit amount in the eighth installment and thereafter failed to repay the same.

4. The learned counsel for the petitioner submitted that though the chit was in his name, upon receiving the installment amount, he had duly transferred the same to the account of the fifth respondent.

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

6. It is not clear whether the chit scheme being run by the fourth respondent is a registered one or not. If it is not a registered chit, the third respondent police has no role other than to advise the respective parties to seek remedies available to them in accordance with law. However, it is the considered opinion of this Court that the petitioner should cooperate with the ongoing enquiry initiated by the third respondent.



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

(a) If any complaint is 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 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.

12.02.2026

TTA

TO

1. The Superintendent of Police,
Tiruchirappalli District..
2. The Inspector of Police,
Musiri Police Station,
Tiruchirappalli District..
3. The Sub Inspector of Police,
Musiri Police Station,
Tiruchirappalli District..



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L. VICTORIA GOWRI,J

TTA

**ORDER
IN
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Date : 12/02/2026