



CrI.O.P.(MD)No.3381 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.3381 of 2026

Kalpana

... Petitioner

Vs.

1.The State of Tamilnadu rep. By,
The Commissioner of Police,
Tirunelveli City.

2.The Assistant Commissioner of Police,
Tirunelveli City.

3.The Inspector of Police,
TVMCH Police Station,
Tirunelveli City.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

For Petitioners : Mr.R.Jenifar Bibin

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (CrI. Side)

ORDER

Seeking a direction to the respondents 2 and 3 not to harass the petitioner under the guise of enquiry, this petition is filed.



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2.The learned counsel appearing for the petitioner submitted that the petitioner was working as administrator at Sneha Hospital, Tirunelveli. However, at the instance of one Prabhakaran and Murugan, the second respondent Police is continuously harassing the petitioner and hence, he sought indulgence of this Court seeking to direct the respondents 2 and 3 not to harass him.

3.The learned Government Advocate (Crl. Side) appearing for the respondents Police submitted that the petitioner was running a hotel business in the name and style of Kisha Kitchen private limited at Maharaja Nagar, Tirunelveli. After purchasing the products, the petitioner has not paid the amount to the said Prabhakaran and Murugan. Hence, they gave a complaint. Based on that, an enquiry was conducted. During the enquiry, the petitioner himself has given undertaking in writing that he will return the amount of Rs. 1,60,000/- to the said Prabhakaran and Rs.5,00,000/- to the Murugan within one week. The same has not been complied with by the petitioner. Hence, the petitioner was called for enquiry.

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



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5. Though the petitioner admits that he has given an undertaking in writing that he will return the money to the said Prabhakaran and Murugan, the plight of the petitioner is that he is required to appear before the police without any summons.

6. 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 money disputes into criminal proceedings without the essential ingredients of an offence being made out.

7. 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 respondents shall issue written summons/notice under Section 62 CrI.P.C./ 64 BNSS, 2023 to the petitioner, 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.



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(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.

(e) The respondent police 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.

18.02.2026

NCC : Yes / No

Index : Yes / No

vsg



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TO:-

WEB COPY

1. The Commissioner of Police,
Tirunelveli City.
2. The Assistant Commissioner of Police,
Tirunelveli City.
3. The Inspector of Police,
TVMCH Police Station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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L.VICTORIA GOWRI, J.

vsg

Order made in
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