



Crl.O.P.(MD)No.3376 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.02.2026**

CORAM:

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

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1.Chinnadurai
2.C.Abimanyu

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep. By the Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2. State of Tamilnadu,
Rep by Inspector of Police,
Law and Order,
Thiruverambur Police Station,
Trichy District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the respondents police not to harass the petitioner except under due process of law.

For Petitioners : Mr.B.Jameelarasu

For Respondents : Mr.M.Sakthi Kumar

Government Advocate



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ORDER

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The petitioners seek for a direction to the respondent police not to harass the petitioners except under due process of law.

2. The learned counsel for the petitioners submitted that the first petitioner and the de facto complainant are co-brothers, and the second petitioner is the first petitioner's son. A family dispute led to a physical altercation between the first petitioner and the de facto complainant. On 09.02.2017, the de facto complainant lodged a complaint with the second respondent police. After an enquiry, the petitioners were advised to resolve their dispute before the competent civil forum, and the case was closed. However, after nearly eight years, the de facto complainant, allegedly due to his influence over the second respondent police, managed to reopen the case. As a result, the petitioners are now facing harassment. The petitioners seek the indulgence of this Court.

3. The learned Government Advocate appearing for the respondent police submitted that the submission made by the learned counsel appearing for the petitioners is false. On 16.01.2026, the second petitioner along with his friends attacked one Rishi. On the complaint given by one Aadhi and Udhaya,



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the petitioners were called for enquiry. The case relied upon by the petitioners is entirely different and not connected to the present matter. It is further submitted that the second petitioner is an accused in Crime No. 22 of 2026.

4. Heard the learned counsel on either sides 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. It is pertinent to note that the petitioners' narrative is wholly incorrect. It is understood that the respondent police required the petitioners to appear before them only on the basis of a complaint given by Aadhi and Udhaya, pursuant to which an FIR in Crime No. 26 of 2026 was registered. However, the first petitioner has no connection with the complaint lodged by Aadhi and Udhaya against the second petitioner. It is also brought to the notice of this Court that the second petitioner has already obtained anticipatory bail.



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

(a) In the complaint received against the second petitioner, the respondent-police shall issue written summons/notice under Section 62 Cr.P.C / 64 BNSS, 2023, specifying the date, time, and purpose of enquiry. Oral or informal summons are prohibited. Insofar as the first petitioner is concerned, the respondent police shall issue written summons/notice under Section 35A BNSS, 2023.

(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 respondent police shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.



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

of.

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NCC : Yes / No
Index : Yes / No
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TO:-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
2. The Inspector of Police,
Law and Order,
Thiruverambur Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
CrI.O.P.(MD)No.3376 of 2026

Dated
19.02.2026