



Crl.O.P(MD)No.3643 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.3643 of 2026

1.Xavier Marcellin
2.Jesu Dhasan
3.Pravin Anto

... Petitioners

Vs.

1.The Superintendent of Police,
O/o The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry based on the petitioner's representation dated 10.02.2026.

For Petitioner : Mr.J.Mohamed Ibrahim

For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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Crl.O.P(MD)No.3643 of 2026

ORDER

Seeking not to harass the petitioners under the guise of enquiry based on the petitioner's representation dated 10.02.2026, this criminal original petition is filed.

2. The learned counsel for the petitioners submitted that the petitioners are continuously subjected to harassment at the instance of Kalaiyarasi. Hence, he sought indulgence of this Court.

3. The learned Government Advocate(Crl.Side) submitted that the issue is relating to money dispute. After receiving the complaint from the said Kalaiyarasi, the respondent police had issued summons to the petitioner. However, the petitioners are not co-operating with the enquiry.

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



Crl.O.P(MD)No.3643 of 2026

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5. The learned counsel for the petitioner categorically contended that the petitioners are fully cooperating with the inquiry and they have already appeared for enquiry twice. Despite the same, they are continuously being harassed to appear again and again.

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

(a) With respect to the complaint received from the said Kalaiyarasi, the respondent-police shall issue written summons/notice under Section 62 Cr.P.C/64 BNSS, 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.



Crl.O.P(MD)No.3643 of 2026

(d) If the dispute is found to be civil in nature, the complaint shall be closed forthwith, without any coercive or intimidatory action.

7. With these directions, this Direction Petition stands disposed of.

20.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.3643 of 2026

L.VICTORIA GOWRI, J.

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Crl.O.P(MD)No.3643 of 2026

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