



CrI.O.P.(MD)No.3389 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.3389 of 2026

Ashok Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu Rep. by its,
The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioner and his family members.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (CrI. Side)

ORDER

Seeking a direction to the second respondent not to harass the petitioner and his family members, this petition is filed.

2.The learned counsel appearing for the petitioner submitted that earlier one criminal case in Crime No.125 of 2022 has been registered by the second



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respondent Police for the offence under Sections 341, 294(b), 323 and 506(i) of IPC and the same culminated in laying charge sheet in S.T.C.No.900 of 2022 before the learned Judicial Magistrate No.1, Padmanabhapuram. Other than that the petitioner did not have any other criminal case. Hence, the petitioner has sought the indulgence of this Court seeking to direct the respondents not to harass him.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the respondent police did not harass the petitioner, and one case is pending against him in S.T.C.No.900 of 2022 before the learned Judicial Magistrate No.1, Padmanabhapuram.

4. Heard the learned counsels on either side 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.



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

(a) if any 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.

(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



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to adjudicate private civil rights between the parties.

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

18.02.2026

NCC : Yes / No

Index : Yes / No

vsg

TO:-

1. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
2. The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

vsg

Order made in
CrI.O.P.(MD)No.3389 of 2026

Dated
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