



Crl.O.P.(MD)No.3519 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.02.2026**

CORAM:

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

Crl.O.P.(MD)No.3519 of 2026

A.Murugesan

... Petitioner

Vs.

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

2. The State of Tamil Nadu, Rep. by
The Deputy Superintendent Of Police,
DSP Office, Thiruvarampur,
Tiruchirappalli District.

3. The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.

4. Xavier Felix

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the 3rd respondent not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.M.Sakthi Kumar (R1 to R3)
Government Advocate



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ORDER

The petitioners seek for a direction to the 3rd respondent not to harass the petitioner in the guise of enquiry.

2. The learned counsel for the petitioner submitted that at the instance of the 4th respondent's complaint, the 3rd respondent police is continuously harassing the petitioner and hence this petition came to be filed.

3. The learned Government Advocate appearing for the respondent police submitted that the fourth respondent is running a hotel in the name and style of “Jaya Hotel” and had borrowed a sum of Rs.1,50,000/- from the petitioner. Having defaulted in repayment of the loan, and in order to adjust the outstanding amount, the petitioner, with the consent of the fourth respondent, took away utensils and other furniture from the hotel towards settlement of the balance amount of Rs.1,50,000/-. Though a complaint was received from the fourth respondent and a CSR was issued, no harassment has been caused to the petitioner.



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4. Heard the learned counsel on either sides and carefully perused the materials available on record. Since no adverse order is proposed to be passed against the fourth respondent, notice to him is dispensed with.

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. 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 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.

(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



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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.

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

19.02.2026

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

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1. The Superintendent of Police,
District Police Office,
Tiruchirappalli District.
2. The Deputy Superintendent Of Police,
DSP Office, Thiruvarampur,
Tiruchirappalli District.
3. The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.3519 of 2026

Dated
19.02.2026