



CRL OP(MD). No.3737 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3737 of 2026

A.Sakthivel

... Petitioner

Vs

1.The State represented by
The Commissioner of Police,
Tirunelveli District.

2.The State represented by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

3.Jeyapal

... Respondents

PRAYER :-

To direct the second Respondent not to harass the petitioner based on the complaint given by the 3rd respondent under the guise of enquiry.

For Petitioner : Mr.M.Perumal

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)
for R.1 & R.2



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ORDER

This Criminal Original Petition is filed to direct the second Respondent not to harass the petitioner based on the complaint given by the third respondent under the guise of enquiry.

2. The learned counsel for the petitioner submitted that on the basis of the false complaint given by the third respondent, the second respondent is subjecting the petitioner to harassment. Hence the petition.

3. The learned Government Advocate submitted that a complaint has been received from the third respondent, who is the petitioner's paternal aunt's son, who is seeking partition of the paternal grandfather's property. Originally the property stood in the name of one Sankaralingam, who is the petitioner's grandfather. The said Sankaralingam had three legal heirs who are the petitioner's father and two other female legal heirs. Suppressing the presence of the female legal heirs, the petitioner is trying to alienate the property. The dispute between the parties are civil in nature.



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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.

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

(a) With respect to the complaint received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 of Cr.P.C / 64 of 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 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



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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 respondents 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.

23.02.2026

NCC : Yes/No
Index : Yes / No

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To

- 1.The Commissioner of Police, Tirunelveli District.
- 2.The Inspector of Police, Perumalpuram Police Station,
Tirunelveli 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
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