



CRL OP(MD). No.3727 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.3727 of 2026

T.Angusamy

... Petitioner

Vs

1.The State represented by
The Commissioner of Police,
Madurai City, Madurai.

2.The State represented by
The Inspector of Police,
South Gate Police Station,
Madurai.

3.Subbu Sambanthaar

... Respondents

PRAYER :-

To direct the 2nd Respondent herein not to harass the petitioner in name of enquiry and without due process of law.

For Petitioner : Mr.P.Venkatesan

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



CRL OP(MD). No.3727 of 2026

WEB COPY

ORDER

This Criminal Original Petition is filed to direct the second Respondent herein not to harass the petitioner in name of enquiry and without due process of law.

2. Learned counsel for the petitioner submitted that on the false complaint given by the third respondent, the petitioner is continuously being harassed by the second respondent. Hence this petition.

3. Learned Government Advocate submitted that the petitioner is a goldsmith and at the request made by the third respondent that he would give gold bars, the petitioner made gold ornaments, but the third respondent, after receiving the gold ornaments, has not given gold bars to the petitioner. The petitioner has also made a complaint against the third respondent in this regard.

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



CRL OP(MD). No.3727 of 2026

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) On the complaint received against the petitioner, 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 prior written notice, enabling them to seek legal remedies including anticipatory bail.



CRL OP(MD). No.3727 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.

(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,
Madurai City,
Madurai.

2.The Inspector of Police,
South Gate Police Station,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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CRL OP(MD). No.3727 of 2026

L. VICTORIA GOWRI,J

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ORDER
IN
CRL OP(MD) No.3727 of 2026

Date : 23/02/2026