



CrI.O.P.(MD)No.3869 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2026**

CORAM:

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

CrI.O.P.(MD)No.3869 of 2026

Manisekar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By the Superintendent of Police,
Ramanathapuram District.

2. State of Tamilnadu,
Rep by Inspector of Police,
Ramanathapuram Bazar Police Station,
Ramanathapuram District.

3. Ajmeer Raja

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to issue suitable direction to the 2nd respondent herein not to harass the petitioner and his family members on the guise of the enquiry based on the representation dated 27.01.2026 given by the petitioner.

For Petitioner : Mr.B.Arun

For Respondent : Mr.M.Sakthi Kumar (R1 & R2)

Government Advocate



CrI.O.P.(MD)No.3869 of 2026

ORDER

WEB COPY

The petitioner seeks for a direction to the 2nd respondent herein not to harass the petitioner and his family members on the guise of the enquiry based on the representation dated 27.01.2026 given by the petitioner.

2. The learned counsel for the petitioner submitted that the third respondent has given a complaint as against the petitioner, on whose instance he is continuously being harassed by the respondent police. Hence, this petition came to be filed.

3. The learned Government Advocate appearing for the respondent police has submitted that the petitioner entered the third respondent's shop, which is leased to the third respondent by one Muthurani under an agreement. The petitioner claims ownership of the property, asserting that he is one of the legal heirs, and seeks to vacate the possession of the third respondent. In this regard, a complaint has been received.

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



CrI.O.P.(MD)No.3869 of 2026

WEB COPY

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 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



Crl.O.P.(MD)No.3869 of 2026

closed forthwith, without any coercive or intimidatory action.

WEB COPY

(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.

24.02.2026

NCC : Yes / No
Index : Yes / No
Sm



Crl.O.P.(MD)No.3869 of 2026

TO:-

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



WEB COPY



CrI.O.P.(MD)No.3869 of 2026

L.VICTORIA GOWRI, J.

Sm

Order made in
CrI.O.P.(MD)No.3869 of 2026

Dated
24.02.2026