



Crl.O.P.(MD)No.3877 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2026**

CORAM:

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

Crl.O.P.(MD)No.3877 of 2026

P.Padmapriya

... Petitioner

Vs.

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

2. State of Tamilnadu,
Rep by Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

3. P.Muthu

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to issue suitable direction to the 1st respondent not to harass the petitioner under the guise of enquiry without due process of law.

For Petitioner : Mr.S.Mahendra Pathy

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

Government Advocate



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ORDER

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The petitioner seeks for a direction to the 1st respondent not to harass the petitioner under the guise of enquiry without due process of law.

2. The learned counsel for the petitioner submitted that the third respondent has given a complaint as against the petitioner with respect to a civil matter and the respondent police is unnecessarily meddling in a civil dispute. Hence, this petition came to be filed.

3. The learned Government Advocate appearing for the respondent police submitted that the petitioner has encroached upon the temple pathway, and that the third respondent has lodged a complaint in this regard. It was further submitted that an enquiry is pending; however, the same could not be completed as both parties have not been cooperating with the respondent police for the purpose of enquiry.

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.



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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 closed forthwith, without any coercive or intimidatory action.



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(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
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TO:-

1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
3. 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.3877 of 2026

Dated
24.02.2026