



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.02.2026

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

CRL OP(MD). No.4026 of 2026

1.Chandrammohan

2.C.Mithun

... Petitioners

Vs

1. State of Tamil Nadu through,
The Inspector of Police,
District Crime Branch-II,
Trichy District.

2.The Sub-Inspector of Police,
District Crime Branch-II,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents not to harass the petitioners under the guise of enquiry and to direct the respondents not to interfere in the civil dispute and grant protection to the petitioners.

For Petitioners : M/s.K.P.Ilakkiya

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



ORDER

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This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners under the guise of enquiry and to direct the respondents not to interfere in the civil dispute and grant protection to the petitioners.

2. The learned counsel for the petitioners submitted that the first petitioner is the employee of Muthu Karuppan Chettiyar. At the instance of the said Muthu Karuppan Chettiyar, he had executed a power of attorney in favour of one Jegannath with respect to the property comprised in S.No.109/1 of Ellaikudi Village, Trichy District in D.No.404 of 2011, for which he had also duly issued a sale receipt acknowledging the receipt of sale consideration. After the promotion of the said property by Jagannath, later, the petitioner had cancelled the power of attorney without the consent of the said Jegannath.

3. The learned counsel for the petitioners further submitted that proper notice was issued to the said Jegannath before cancelling the power of attorney.



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4. The learned Government Advocate (Crl.Side) submitted that based on the complaint given by the complainant, summon was issued, and the petitioners were called for inquiry.

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

6. Considering the nature of the dispute involved where the first petitioner has already received the sale consideration and thereafter, had cancelled the power of attorney, it is necessary for the 2nd respondent police to duly conduct an inquiry. However, it is the apprehension of the petitioner that he may be manhandled by the 2nd respondent.

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

(a) If the petitioner is required to appear for further inquiry on the complaint from the Jegannath, 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.

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(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.

(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.

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

25.02.2026

NCC : Yes/No

Index : Yes/No

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TO

1. The Inspector of Police,
District Crime Branch-II,
Trichy District.
2. The Sub-Inspector of Police,
District Crime Branch-II,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

L. VICTORIA GOWRI,J



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ORDER
IN
CRL OP(MD) No.4026 of 2026

Date : 25.02.2026