



Crl.OP(MD)No.4223 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP(MD).No.4223 of 2026

Karthi @ Karthikeyan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by The Superintendent of Police,
Superintendent Office,
Tanjavur District.

2. The State of Tamil Nadu,
Rep. by Deputy Superintendent of Police,
Thiruvudaimarudur,
Tanjavur District.

3. The State of Tamil Nadu,
Rep. by The Inspector of Police,
Natchiyarkovil Police Station,
Tanjavur District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the 1st respondent to instruct the 3rd respondent not to harass the



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petitioner and his family members without following due process of law.

For Petitioner : Mr.Dhilipan Pandian
for Mr.Durai Pandian.K

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

ORDER

Preface:

The present Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the 1st respondent to instruct the 3rd respondent police not to harass the petitioner and his family members under the guise of enquiry, except by strictly following due process of law.

2. The grievance projected by the petitioner is that the respondent police are repeatedly summoning, threatening, and targeting him owing to his political background and are attempting to foist fresh criminal cases against him, despite several earlier cases having either ended in acquittal, compromise, or disposal. The



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petitioner would therefore seek the protective intervention of this Court.

3. The respondents, on the other hand, would contend that the petitioner is a history-sheeted person and that the surveillance and enquiry undertaken by the jurisdictional police are in discharge of their lawful duties, particularly in the backdrop of the impending election and the necessity to maintain public order and prevent breach of peace.

4. In the above backdrop, this Court is called upon to examine whether the petitioner has made out a case for issuance of a blanket direction restraining the police from summoning or enquiring into his conduct, or whether the relief sought is too broadly couched to be granted in exercise of the inherent jurisdiction of this Court.

Case of the Petitioner:

5. The case of the petitioner, as set out in the affidavit filed in support of the petition, is that he is residing at the address mentioned in the cause title and is serving as the State Secretary of



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the OBC Wing of the Bharatiya Janata Party. According to him, he is living with his family members and is engaged in political activities.

6. It is the further case of the petitioner that the 3rd respondent police have, over a period of time, registered several criminal cases against him in Crime Nos.250 of 2011, 295 of 2014, 448 of 2016, 318 of 2017, 208 of 2019, 393 of 2022, 394 of 2022, 1042 of 2022, 98 of 2023 and 351 of 2023.

7. According to the petitioner, Crime Nos.250 of 2011 and 295 of 2014 have already been disposed of. He would further state that Crime No.393 of 2022 for offences under Sections 147, 148, 294(b), 324, 342 and 307 IPC, Crime No.394 of 2022 for offences under Sections 294(b), 324 and 307 IPC, Crime No.98 of 2023 for offences under Sections 387 and 506(ii) IPC and Crime No.351 of 2023 under Section 25(1-A) of the Arms Act have either been quashed or compromised.

8. The petitioner would also state that the remaining cases in Crime No.448 of 2016, Crime No.318 of 2017, Crime No.208 of 2019



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and Crime No.1042 of 2022 have either reached different procedural stages or have already ended in disposal. With respect to Crime No. 448 of 2016, it is stated that the case is at the stage of appearance of the accused. In respect of Crime No.318 of 2017, it is stated that the matter is at trial stage. Insofar as Crime No.208 of 2019 and Crime No.1042 of 2022 are concerned, the petitioner would claim that the same also stand disposed of.

9. The petitioner would further allege that, since he is a politician and elections are expected to be conducted, the 3rd respondent police are continuously harassing him and his family members, threatening to register fresh FIRs, and acting in a high-handed and biased manner under the guise of enquiry. He would also state that the conduct of the 3rd respondent has caused mental agony and stress to him and his family members.

10. It is his further case that he submitted a representation dated 20.02.2026 to the 1st respondent seeking protection from such alleged harassment and requesting that the police be directed not to subject him and his family members to unlawful enquiry. Since no



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effective action was taken on the said representation, the petitioner has approached this Court with the present petition.

Grounds Raised in the Petition:

11. The petitioner, in substance, raises the following grounds:

(i) that the respondent police are acting with mala fide intention and are repeatedly interfering with his personal liberty under the guise of enquiry;

(ii) that several earlier criminal cases registered against him have either ended in acquittal, compromise, quashment or disposal, and therefore the continued targeting of the petitioner is unwarranted;

(iii) that the petitioner is being singled out on account of his political identity and the approaching elections;

(iv) that the respondent police are threatening not merely the petitioner, but also his family members, without any lawful basis;

(v) that such acts amount to harassment, abuse of police power, and violation of due process; and



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(vi) that unless this Court intervenes, the petitioner would be subjected to further prejudice and unlawful coercive action.

Stand of the Respondents / Prosecution:

12. The learned Government Advocate (Crl.Side), on instructions, would submit that the petitioner is a history sheeter borne on the files of Natchiyarkovil Police Station in H.S.No.492 of 2016.

13. It is the specific stand of the respondents that the petitioner is not being targeted for extraneous reasons, but is being monitored as part of the routine preventive measures adopted by the police in respect of known offenders and history-sheeted persons, especially in view of the forthcoming election period. According to the respondents, the police machinery across the State has been placed on alert to maintain law and order, to prevent untoward incidents, and to keep surveillance over persons whose antecedents are such as to warrant closer watch.



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14. The learned Government Advocate would further submit that the petitioner has been required to appear before the 3rd respondent police only to ensure that he does not indulge in activities prejudicial to the maintenance of peace and public order during the sensitive election period. It is therefore contended that the action of the police cannot be characterised as harassment and that the petitioner cannot seek a blanket embargo against lawful police enquiry.

15. The respondents would thus contend that no case is made out for interference under Section 528 BNSS and that the petition deserves outright dismissal.

Arguments on either side:

16. The learned counsel appearing for the petitioner would submit that the relief sought in the petition is modest and reasonable. According to the learned counsel, the petitioner is not seeking immunity from investigation in any pending case, but only seeks that the police should not harass him and his family members except in accordance with law.



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17. The learned counsel would further submit that the petitioner has already faced several criminal cases and that many of them have culminated in acquittal, compromise, quashment or disposal. Therefore, according to the petitioner, the continued police insistence on summoning him, particularly during the run-up to elections, gives rise to a legitimate apprehension of abuse of power.

18. The learned counsel would also contend that the expression “history sheeter” cannot become a passport for indiscriminate interference with the life and liberty of a citizen. He would submit that even if the petitioner’s name is borne in a history sheet, every action of the police must still conform to fairness, legality and due process.

19. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner is not entitled to a roving protective order from this Court merely on the basis of a bald allegation of harassment. It is contended that the police have statutory duties in relation to prevention of crime, maintenance of law and order, and monitoring of persons with criminal antecedents.



20. The learned Government Advocate would add that the petitioner has not placed any concrete material before this Court to demonstrate illegal detention, physical coercion, forcible extraction of statements, or any specific act of abuse by the respondents. In the absence of such particulars, it is contended that the petition rests only on a general allegation of harassment and cannot be sustained.

21. It is further argued on behalf of the respondents that the election period invariably requires heightened vigilance, and the petitioner, being a history-sheeted person, can lawfully be called upon by the local police for preventive monitoring. Therefore, the respondents pray for dismissal of the petition.

Point for Consideration:

22. In the light of the rival submissions, the following point arises for consideration in this Criminal Original Petition whether the petitioner has made out sufficient grounds for issuance of a direction restraining the respondent police from summoning or enquiring into him and his family members, except in a manner specifically controlled by this Court, or whether the petition is liable to be



dismissed on the ground that the relief sought is vague, overbroad, and incompatible with the lawful powers of the police to maintain public order?

Analysis:

23. The relief sought by the petitioner is for a direction to the 1st respondent to instruct the 3rd respondent not to harass the petitioner and his family members without following due process of law. At the outset, this Court is in complete agreement with the fundamental proposition that no citizen can be subjected to arbitrary police harassment and that every enquiry, summon, or coercive step must conform to procedure established by law.

24. Equally, however, it is well settled that this Court, while exercising jurisdiction under Section 528 BNSS, cannot issue omnibus orders that have the effect of denuding the police of their statutory powers to conduct enquiry, verify antecedents, maintain surveillance in accordance with law, and take preventive steps in the interest of public peace and order.



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25. In the case on hand, the petitioner has laid considerable emphasis on the fact that several criminal cases registered against him have ended in acquittal, quashment, compromise, or disposal. That by itself does not automatically lead to the conclusion that every present or future enquiry by the police is tainted by mala fide. At the same time, this Court is not inclined to hold that the petitioner is remediless if any particular act of police excess is demonstrated. But such a claim must rest on clear and specific factual foundation.

26. A careful reading of the affidavit filed in support of the petition shows that the petitioner has made broad allegations of continuous harassment, threat of false implication, and intimidation of family members. However, the petition does not disclose specific dates of such alleged illegal calls or summoning, the names of officers involved, the nature of the coercive acts complained of, or any tangible material evidencing abuse of authority beyond the petitioner's own assertion.



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27. It is also not in dispute that the petitioner is being maintained as a history sheeter in H.S.No.492 of 2016 on the file of the 3rd respondent police station. Once that position is admitted by the respondents and not effectively refuted by the petitioner through any legal order closing or deleting the history sheet, the police cannot be faulted, merely for keeping watch over him, particularly during a politically sensitive period such as the election season.

28. Preventive policing is a recognised facet of law enforcement. When elections are impending, the duty of the police to maintain vigilance assumes added significance. Persons with criminal antecedents, rowdy history, or law and order sensitivity are often subjected to closer scrutiny. Such scrutiny, by itself, is not harassment. It crosses into illegality only when it is shown to be arbitrary, malicious, unsupported by law, or executed by means prohibited by law.

29. This Court is unable to accept the petitioner's plea for a general direction restraining the police from calling him for enquiry. Such a direction, in the facts of the present case, would amount to



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granting a protective umbrella against lawful policing. The inherent jurisdiction of this Court is meant to secure justice and prevent abuse of process; it is not intended to create a zone of immunity around a person whose conduct and antecedents continue to be matters of police concern.

30. At the same time, it needs to be underscored that the police are expected to act with restraint, fairness and professionalism. Any enquiry must be strictly in accordance with law. Family members cannot be unnecessarily dragged into police proceedings unless their presence is genuinely required in connection with a lawful investigation or enquiry. But this principle is already embedded in the constitutional and statutory framework and does not require a separate blanket direction in the absence of a concrete proven instance of abuse.

31. The submission of the petitioner that most of the earlier cases ended in acquittal or compromise also does not entitle him to the relief sought herein. Acquittal in some cases or settlement in others cannot compel the Court to foreclose all future preventive or



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investigative engagement by the police. The Court must balance the individual's liberty with the collective need for public order. In the present case, that balance tilts in favour of permitting lawful police supervision, subject always to adherence to due process.

32. If the petitioner is genuinely aggrieved by the continuation of his name in the history sheet, the proper course open to him is to take appropriate steps in the manner known to law for deletion of his name from the history sheet, subject to the applicable police standing orders and the governing legal framework. So long as the history sheet remains in force, routine police watch, by itself, cannot be termed illegal.

33. This Court therefore holds that the petitioner has not made out any exceptional circumstance warranting the exercise of inherent jurisdiction for issuance of the sweeping direction sought for in the present petition.

34. The criminal original petition appears to have been filed on the basis of a general apprehension that the police may misuse their



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authority in the backdrop of the petitioner's political profile and criminal antecedents. However, this Court cannot proceed on conjecture or grant anticipatory insulation against every form of police interaction.

35. The law does not permit harassment; equally, the law does not prohibit lawful enquiry. The distinction between the two cannot be collapsed. In the absence of specific material demonstrating abuse of power, no positive direction of the nature sought by the petitioner can be issued.

36. Since the petitioner is admittedly a history sheeter, it is always open to him to work out his remedy in the manner known to law for removal of his name from the history sheet, if he is so entitled. Until then, the police are well within their authority to keep lawful watch over him, more so when preventive vigilance is intensified during election periods.



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37. In the result, this Criminal Original Petition is dismissed.

26.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Superintendent of Police,
Superintendent Office,
Tanjavur District.
2. The Deputy Superintendent of Police,
Thiruvidaimarudur,
Tanjavur District.
3. The Inspector of Police,
Natchiyarkovil Police Station,
Tanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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