



Crl.O.P.(MD)No.4494 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.02.2026**

CORAM:

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

Crl.O.P.(MD)No.4494 of 2026

Patric Joshua @ Patric Joshua

... Petitioner

Vs.

1. State of Tamilnadu,
Rep By the Commissioner of Police,
Madurai City, Madurai.

2. The State of Tamilnadu,
Rep By the Inspector of Police,
Madurai High Court Police Station,
High Court Campus, Madurai.

3. T.Augustine Ebenezer

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the respondent no.2 not to harass the petitioner under the guise of enquiry in respect of CSR No.0001/2026 on the file of the second respondent, except by following due process of law.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondents : Mr.A.Thiruvadi Kumar (R1 & R2)

Additional Public Prosecutor



CrI.O.P.(MD)No.4494 of 2026

ORDER

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The petitioner seeks for a direction to the 2nd respondent not to harass the petitioner under the guise of enquiry in respect of CSR No.0001/2026 on the file of the second respondent, except by following due process of law.

2. The learned counsel for the petitioner submitted that at the instance of the 3rd respondent, the petitioner is subjected to harassment in a matrimonial dispute between him and the daughter of the 3rd respondent. Hence this petition came to be filed.

3. The learned Additional Public Prosecutor submitted that on receipt of a complaint from the 3rd respondent with respect to the matrimonial dispute between the petitioner and his wife, who is none other than the daughter of the 3rd respondent, the second respondent police required the petitioner to appear for 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 3rd respondent, notice to her is dispensed with.



Crl.O.P.(MD)No.4494 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. In this regard, considering the nature of the case involved is a matrimonial dispute and to allay the petitioner's apprehension, and to ensure fairness, the second respondent police is directed to issue written summons/notice under Section 62 Cr.P.C / 64 BNSS, 2023, specifying the date, time, and purpose of enquiry and thereafter conduct the enquiry in a fair and impartial manner. The second respondent police are strictly directed not to cause any harassment to the petitioner. The petitioner, in turn, is directed to appear before the second respondent police, if duly summoned and to co-operate with the enquiry.

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

27.02.2026

NCC : Yes / No
Index : Yes / No



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Crl.O.P.(MD)No.4494 of 2026

L.VICTORIA GOWRI, J.

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TO:-

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Madurai High Court Police Station,
High Court Campus, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.4494 of 2026

Dated
27.02.2026