



CrI.O.P.(MD)No.4433 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.02.2026**

CORAM:

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

CrI.O.P.(MD)No.4433 of 2026

Balamurugan

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District.

2. Jeyanthi Usha

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.A.Ajmalkhan

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

Additional Public Prosecutor

ORDER

The petitioner seeks for a direction to the 1st respondent not to harass the petitioner under the guise of enquiry.



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2. The learned counsel for the petitioner submitted that at the instance of the 2nd respondent, the respondent police is unnecessarily harassing the petitioner and hence, this petition came to be filed.

3. The learned Additional Public Prosecutor submitted that it is all a matrimonial dispute and the defacto complainant, is the wife of the petitioner. Only on receipt of the complaint from the second respondent, he was required 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 2nd respondent, notice to her is dispensed with.

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.



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6. In this regard, to allay the petitioner's apprehension, and to ensure fairness, the 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 respondent police are strictly directed not to cause any harassment to the petitioner. The petitioner, in turn, is directed to appear before the 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
Sm



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L.VICTORIA GOWRI, J.

Sm

TO:-

1. The Superintendent of Police,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.4433 of 2026

Dated
27.02.2026