



CrI.O.P.(MD)No.4293 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.02.2026**

CORAM:

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

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Kalpana

... Petitioner

Vs.

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

2. State of Tamilnadu,
Rep by Inspector of Police,
Awps-Samayanallur,
Madurai District.

3. Sankar

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 seeking to direct the 2nd respondent not to harass the petitioner under the guise of enquiry on basis of the petitioner's representation dated 23.02.2026.

For Petitioner : Mr.G.Hari Haran

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

Additional Public Prosecutor



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ORDER

The petitioner seeks for a direction to the 2nd respondent not to harass the petitioner under the guise of enquiry on basis of the petitioner's representation dated 23.02.2026.

2. The learned counsel for the petitioner submitted that the 3rd respondent has lodged the complaint as against the petitioner with respect to the matrimonial dispute. The 3rd respondent is the petitioner's husband, and there is a matrimonial dispute. In this regard, the second respondent police is subjecting the petitioner to unnecessary harassment and hence, this petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that it is all a matrimonial dispute in the pending HMOP No.75 of 2024 on the file of the III Additional Subordinate Judges Court, Madurai, and the petitioner, who is the wife of the third respondent got remarried. In this regard, a complaint has been received against the petitioner by the second respondent police, for which CSR No.116 of 2026 has been



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issued and hence, the second respondent police required the petitioner to attend the enquiry. Otherwise no harassment was caused.

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

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.



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(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.

(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.

27.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Awps-Samayanallur,
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
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Dated
27.02.2026