



Crl.OP(MD)Nos.4312 and 4352 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.4312 and 4352 of 2026

Crl.O.P.(MD).No.4312 of 2026

V.Ravikumar

.... Petitioner

Vs.

- 1.State Tamilnadu rep by
The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal Police Station Campus,
Madurai City.
3. The Inspector of Police,
C5, Karimedu Police Station, (L&O)
Madurai City.
4. Sundarapandi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Respondent No.3 and 4 for not to harass the petitioner by intervening into the civil dispute on the basis of the petitioner's representation dated 19.02.2026 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr. A.Vignesh

For R-1 to R-3 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

Crl.O.P.(MD).No.4352 of 2026

V.Ravikumar

.... Petitioner

Vs.

1. State Tamilnadu,
Rep by,
The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal Police Station Campus,
Madurai City.
3. The Inspector of Police,
C5, Karimedu Police Station, (L&O)
Madurai City.
4. Sundarapandi
5. Karikalan
6. Divakar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent nos.1 to 3 to take appropriate action against the respondent nos.5 and 6 on the basis of the petitioner's representation dated 04.02.2026 and 20.02.2026.



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For Petitioner : Mr. A.Vignesh

For R-1 to R-3 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

Preface

The present petitions invoke the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in the backdrop of an allegation of police overreach in a dispute which, on the petitioner's version, is essentially civil in nature relating to possession and enjoyment of a shop premises purchased under a registered sale deed.

2. The grievance projected is not merely of non-action on the petitioner's earlier complaint, but of an affirmative act attributed to the fourth respondent, namely, forcibly obtaining the keys of the petitioner's shop and handing over the same to a third party, thereby facilitating a change in possession, without recourse to any process known to law. The petitioner therefore seeks protective directions against harassment and illegal interference.



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Case of the Petitioner (Gist of Facts):

3. The petitioner states that he is a practising Advocate. According to him, on 13.01.2026, he purchased a shop under a registered sale deed bearing Document No.357 of 2026 on the file of the Pazhanganatham Sub Registry, Madurai, for a sale consideration of Rs.75,00,000/-, having allegedly raised funds by pledging jewellery and borrowing from relatives.

4. It is his further case that on 04.02.2026 at about 06.48 p.m., while he was travelling in his car along with his driver, one Karikalan and Karikalan's son Divakar allegedly forced him to stop the vehicle, criminally intimidated him, and stated that the petitioner had "managed" to purchase the shop which Karikalan himself intended to purchase, and demanded a sum of Rs.10,00,000/- towards renovation of the said shop.

5. In this regard, the petitioner claims to have lodged an online complaint dated 04.02.2026 before the Madurai City Police, assigned reference No.HTR 26049043, against the said Karikalan and Divakar, and that no effective action was taken on the same.



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6. The petitioner further alleges that on 14.02.2026, the fourth respondent visited the petitioner's newly purchased shop, intimidated him and forcibly obtained the keys, and directed the petitioner to hand over the shop to Karikalan. It is the case of the petitioner that the fourth respondent thereafter handed over the keys to the said Karikalan, resulting in the petitioner being dispossessed, otherwise than by due process.

7. On these assertions, it is contended that police machinery has been deployed to intervene in a civil dispute and to aid a third party, and therefore the petitioner is constrained to seek intervention of this Court.

Stand of the Respondent police:

8. The learned Government Advocate appearing for the respondent police submitted that an FIR has been registered in Crime No.67 of 2026 dated 15.02.2026 for the offences punishable under Sections 191(2), 329(4), 296(b) and 351(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, as against eight persons including the petitioner.



9. It was submitted that in view of the registration of the said FIR and the pendency of the investigation, the petitioner's attempt is to obtain protective orders which may impede lawful investigation, and that the police are acting within the bounds of law.

Grounds urged:

10. The grounds urged by the petitioner, in essence, are as follows:

The petitioner's earlier online complaint dated 04.02.2026 was not acted upon, whereas a complaint by the opposite party led to registration of an FIR after ten days, thereby demonstrating arbitrariness. The fourth respondent exceeded his authority by intervening in a title/possession dispute and by allegedly forcing delivery of keys and handing them over to a private individual, which cannot be a lawful police function. Even assuming there was a dispute between private parties, the police could, at best, call parties for enquiry in accordance with law and could not effectuate dispossession or assist one party to obtain possession. The petitioner apprehends continuous harassment and coercion, and therefore seeks protective directions and accountability.



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Arguments on either side:

11. The learned counsel for the petitioner reiterated that the gravamen is not confined to failure to register the petitioner's complaint, but to the positive conduct of the fourth respondent in allegedly enabling a third party to take possession of the shop. It was urged that such conduct amounts to a clear dereliction of duty and abuse of authority, warranting immediate corrective directions.

12. The learned Government Advocate submitted that Crime No.67 of 2026 has already been registered and the petitioner is one among the accused; that the police are duty bound to act upon information disclosing cognizable offences; and that the petitioner cannot, under the guise of inherent jurisdiction, seek orders that may preempt statutory powers of investigation.

13. Points for consideration:

(i) Whether the material placed before this Court discloses *prima facie* police interference in a private civil dispute, particularly relating to possession of immovable property, otherwise than by due process of law?



(ii) Whether this Court, in exercise of inherent jurisdiction under Section 528 BNSS, 2023, ought to issue protective and corrective directions to ensure that the police do not exceed their remit while still preserving the sanctity of investigation in Crime No.67 of 2026?

Analysis

14. This Court has heard the learned counsel on either side and carefully perused the materials placed, including the representations and the contentions recorded.

15. At the outset, it is necessary to underscore that policing is an executive function regulated by statute. The police are empowered to prevent crime, register information disclosing cognizable offences, investigate in accordance with law, and secure public order. However, police authority does not extend to adjudication of title, declaration of civil rights, or effectuating transfer of possession of property between private individuals, except to the extent permitted by law in aid of maintenance of law and order, and even then, without conferring civil advantage upon either party.



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16. The consistent judicial approach has been that civil disputes ought not to be given criminal colour and, conversely, criminal law cannot be used as a lever to secure possession or to pressurise a party in a civil contest. Equally, the police cannot become an instrumentality to assist one party to a property dispute by coercive means.

17. In the case on hand, the petitioner asserts that he lodged an online complaint on 04.02.2026, which was not acted upon by registration of a CSR or by initiation of a preliminary enquiry. The respondent police would contend that an FIR has been registered on 14.02.2026 in Crime No.67 of 2026 on the complaint of the rival party, and the petitioner is arrayed as an accused.

18. What assumes significance, however, is the further allegation that the fourth respondent allegedly compelled the petitioner to hand over the keys of the shop and handed over the same to the rival claimant. If such an act has occurred, it traverses beyond “enquiry” or “maintaining peace” and enters the



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impermissible zone of facilitating dispossession and conferring a possessory advantage upon a private party.

19. This Court also records that when the matter was taken up and paused over in the morning session, at request, the fourth respondent police, who had allegedly obtained the keys and handed over the same, had now frequented back to this Court. The manner in which a police officer is alleged to have handled the keys of a private property, and the narrative of the keys being passed to a third party, cannot be treated lightly, since the foundational premise of rule of law is that dispossession can only be by authority of law and by procedures established by law.

20. This Court has also had the benefit of perusing the video clippings stated to have been produced by the learned counsel for the petitioner, wherein the fourth respondent is seen threatening and compelling the petitioner to hand over the key of the shop claimed to have been purchased under the registered document. The contents, at least *prima facie*, raise a serious concern as to whether the police function was converted into a coercive private remedy.



21. Even assuming that there was a rival claim by Karikalan to the shop, the appropriate course for the police, if at all intervention was necessary to maintain public order, would have been to summon the parties, receive their versions, call for supporting documents, advise them to work out remedies before the competent civil forum, and to ensure that no breach of peace occurs. The police cannot decide who should hold the keys, who should occupy the premises, or who should run the shop.

22. The petitioner has also pointed out that the police could have issued summons under Section 64 BNSS, 2023, to both sides and conducted an enquiry. While the power to call persons for enquiry is available, such power is to facilitate lawful investigation or prevention of cognizable offences, and not to coerce transfer of possession or to compel one party to surrender property access to another.

23. The submission of the learned Government Advocate that Crime No.67 of 2026 is registered and investigation is in progress cannot be a justification for any act that is de hors law. Investigation,



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even when lawful, does not clothe an officer with authority to interfere with civil possession by methods alien to statute.

24. It is to be clarified that this Court is not, in these petitions, adjudicating rival title, nor issuing directions that would stifle investigation in Crime No.67 of 2026. The limited but crucial concern is to ensure that the police do not exceed their remit and do not become a means to secure civil outcomes for private parties.

25. In that view, this Court is of the considered opinion that protective directions are warranted, so that (a) the police confine themselves to their lawful functions, (b) the petitioner is not subjected to harassment or coercion in a civil dispute, and (c) the investigation in Crime No.67 of 2026 proceeds strictly in accordance with law, uninfluenced by any extraneous considerations.

26. Since allegations are directed against the conduct of the fourth respondent, it is also necessary that the supervisory hierarchy ensures institutional correction and accountability, lest public confidence in impartial policing is eroded.



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27. Police power is not a substitute for civil process. The constitutional promise of rule of law is defeated if possession over property can be altered by intimidation or by informal coercive methods through the police. When allegations disclose that a police officer has acted in a manner facilitating one private party over another in a property dispute, the constitutional court is not only empowered but duty bound to intervene to restore legality.

28. At the same time, the Court must ensure that lawful investigation is not impeded and that all parties cooperate with the investigating agency. The balance, therefore, lies in issuing firm directions to prevent harassment and illegal interference, while preserving the statutory domain of investigation.

29. In the result, these Criminal Original Petitions are disposed of with the following directions:

(i) The respondents 3 and 4 shall not interfere in any manner with the civil rights of the petitioner relating to the shop property in question, except in accordance with law and strictly for maintaining law and order.



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(ii) The respondents 3 and 4 shall not compel the petitioner to part with possession, keys, or access to the property, nor shall they facilitate any third party to take possession, otherwise than by due process of law.

(iii) The investigation in Crime No.67 of 2026 dated 14.02.2026 shall proceed on its own merits and in accordance with law, uninfluenced by any observations made in this order, which are confined to the limited purpose of deciding the present petitions.

(iv) The second respondent shall supervise the conduct of enquiry/investigation to ensure that the police machinery is not utilised to settle civil disputes, and that any summons/enquiry, if required, is carried out in strict compliance with BNSS.

(v) This Court, upon perusal of the materials placed, including the video clippings and the sequence of events brought on record, is *prima facie* satisfied that the conduct attributed to the fourth respondent, namely, Sundarapandi, Sub Inspector of Police, C-5 Karimedu Police Station (Law and Order), Madurai City, discloses elements of serious dereliction of duty, abuse of authority, and police excess, unbecoming of a uniformed officer entrusted with maintaining rule of law. The act of allegedly compelling the petitioner



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to part with the keys of the shop property and facilitating transfer of possession to a private individual, if established, strikes at the very foundation of lawful policing and institutional neutrality.

(vi) Accordingly, the first respondent / Commissioner of Police, Madurai City, is directed to forthwith initiate formal departmental disciplinary proceedings against the fourth respondent under the relevant service rules and Police Standing Orders. The said proceedings shall not be a mere preliminary formality, but a structured enquiry conducted by an officer not below the rank of Deputy Commissioner of Police, ensuring fairness and adherence to principles of natural justice. The disciplinary process shall commence within two weeks from the date of receipt of a copy of this order and shall be concluded, as expeditiously as possible, preferably within a period of one month thereafter. The first respondent shall place a status report before this Court upon completion of the preliminary stage of enquiry. No costs.



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30. Post this case for compliance after eight (8) weeks.

27.02.2026

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

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal Police Station Campus,
Madurai City.
3. The Inspector of Police,
C5, Karimedu Police Station, (L&O)
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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