



Crl.O.P(MD)No.164 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.164 of 2026

1.S.Prema
2.V.Vjitha
3.V.Hariprasath

... Petitioners

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The State of Tamilnadu,
Rep by The Inspector of Police,
Koomapatti Police Station,
Koomapatti,
Virudhunagar District.

3.Vellaichamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent police not to harass the petitioners by frequently called them over phone to appear before the 2nd respondent police station under the guise of enquiry since the matter pertaining to the civil dispute.



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For Petitioner : Mr.A.D.Ganeshamoorthi
For R1 & R2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed seeking to direct the 2nd respondent police not to harass the petitioners by frequently called them over phone to appear before the 2nd respondent police station under the guise of enquiry since the matter pertaining to the civil dispute.

2. Considering the nature of the relief sought for, notice to the 3rd respondent is dispensed with.

3. The learned counsel for the petitioners submitted that the 3rd respondent is the husband of the 1st petitioner, and the 2nd and 3rd petitioners are their daughter and son respectively. The 3rd respondent is a retired military personnel receiving pensionary benefits. It is submitted that disputes arose between the parties regarding partition of family properties, pursuant to which the 3rd respondent resides on the first floor of the house, while the 1st petitioner resides on the ground



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floor. The 3rd respondent allegedly subjected the petitioners to verbal abuse, threats of eviction, and harassment with the intent to extract money, despite the house having been constructed through a housing loan, the EMI of which has been paid from the 1st petitioner's salary account. In this regard, the 3rd respondent lodged a complaint dated 14.11.2025 against the petitioners, based on which the 2nd respondent police is repeatedly summoning the petitioners for enquiry. Therefore, this criminal original petition is filed seeking a direction to the respondent police not to harass the petitioners under the guise of enquiry.

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



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converts civil disputes into criminal proceedings without the essential ingredients of an offence being made out.

6. To allay the petitioners' apprehensions and to ensure fairness, the following directions are issued:

(a) If any complaint is received against the petitioners, the respondent-police shall issue written summons/notice under Section 62 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 petitioners' appearance.

(c) If the police, upon enquiry, conclude that a cognizable offence is made out and propose to register an FIR, the petitioners shall be given prior written notice, enabling them to seek legal remedies including anticipatory bail.



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(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 respondents shall refrain from interfering in or attempting to adjudicate private civil rights between the parties.

7. With these directions, this Direction Petition stands disposed of.

07.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Koomapatti Police Station,
Koomapatti, Virudhunagar District.



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L.VICTORIA GOWRI, J.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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