



Crl.O.P(MD)No.23787 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.23787 of 2025

Sudharlin Vijila

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep by The Superintendent of Police,
Superintendent of Police Office,
Thoothukudi District.

2.The Inspector of Police,
Thoothukudi East Police Station,
Thoothukudi District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent, not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.Ukkra Pandian
for Mr.J.Joseph Zinoson

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

Seeking to direct the 2nd respondent not to harass the petitioner under the guise of enquiry, this criminal original petition is filed.

2. The learned counsel for the petitioner submits that the petitioner had purchased the subject property from one Vinoth Kumar and Sowthariya for a valuable consideration under a registered sale deed bearing Doc.No.4279/2022. At the time of sale, the vendors sought three months time to hand over the possession of the property to the petitioner. As they failed to do so, the petitioner filed a civil suit before the Sub Court, Thoothukudi in O.S.No.311 of 2023 seeking eviction of the vendors from the said property. In the meanwhile, the vendors lodged false complaints against the petitioner before the 1st and 2nd respondents. Under the guise of enquiry, the respondents are harassing the petitioner. Hence, this petition.

3. The learned Government Advocate on instructions submitted that the *defacto* complainant had already filed a direction petition in



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Cr.M.P.No.2360 of 2025 before the Judicial Magistrate No.IV, Thoothukudi under Section 156(3) of Cr.P.C and the same was allowed and the police was directed to register the case as against the petitioner herein. In this regard, summons were issued and the petitioner was called for 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 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:



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(a) It is directed that, 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 petitioner's appearance.

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



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7. With these directions, this Criminal Original Petition stands disposed of.

02.01.2026

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

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To

- 1.The Superintendent of Police,
Superintendent of Police Office,
Thoothukudi District.
- 2.The Inspector of Police,
Thoothukudi East Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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