



Crl.O.P(MD)No.23770 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.23770 of 2025

S.Vijayalakshmi

... Petitioner

Vs.

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

2.The Inspector of Police,
Uppiliyapuram Police Station,
Thuraiyur Taluk,
Tiruchirappalli District.

3.Karuppannan

4.Punitha

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 3rd respondent not to harass the petitioner by interfering into the civil dispute between the petitioner and the 4th respondent in the guise of enquiry on the complaint of the 4th respondent.

For Petitioner : Mr.R.Gowrishankar



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For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

Seeking a direction to the 3rd respondent not to harass the petitioner by interfering into the civil dispute between the petitioner and the 4th respondent in the guise of enquiry on the complaint of the 4th respondent, this criminal original petition is filed.

2. Considering the nature of the relief sought for, notice to the 3rd and 4th respondents is dispensed with.

3. The learned counsel for the petitioner submitted that the petitioner and the 4th respondent are siblings and they were survived by their deceased father. After the death of their father, with respect to the punja lands in Survey Nos.255/6B, 330/4A2, 330/4A3 and 330/5, a dispute had arisen between the petitioner and the 4th respondent. In this regard, a civil suit in O.S.No.100 of 2022 has already been filed on the



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file of learned Subordinate Court, Thuraiyur by the petitioner herein against the 4th respondent and the same was dismissed on 17.12.2024. Against which, A.S.No.15 of 2025 is pending before the Principal District Court, Trichy.

4. In the meanwhile, the 4th respondent has lodged a complaint against the petitioner with respect to the subject property claiming that the petitioner had encroached upon the property. However, the will executed by the father stands in the name of the petitioner.

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

6. 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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7. 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 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.

(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.



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

(f) However, it is made clear if the petitioner and the 4th respondent continued to indulge in violence, the respondent police cannot remain mute spectators.

8. With these directions, this Criminal Original Petition stands allowed.

02.01.2026

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

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

2.The Inspector of Police,
Uppiliyapuram Police Station,
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Tiruchirappalli 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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