



Crl.O.P(MD)No.23794 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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- 1.M.Jothi
- 2.Karuppaiah
- 3.Kassi Rajan
- 4.Selva Kumaran
- 5.Mari Selvam
- 6.Muthuraj
- 7.Alaguraja

... Petitioners

Vs.

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Deputy Superintendent Of Police,
Sivakasi,
Virudhunagar District.
- 4.The Inspector of Police,
Thiruthangal, Police Station,
Virudhunagar District.



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5. The Inspector of Police,
M.Puthupatti Police Station,
Virudhunagar District.

6. Ramachandran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, directing the 4th to 6th respondents to not to harass the petitioners in the name of enquiry.

For Petitioners : Mr.E.Mareeskumar
For R1 – R5 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

Seeking to direct the 4th to 6th respondents not to harass the petitioner in the name of inquiry, this criminal original petition is filed.

2. The learned counsel for the petitioners submitted that the 1st petitioner is the wife of one deceased Murugan and all the other petitioners are the relatives of the deceased Murugan. The 6th respondent who is an Inspector of Police claiming that the 1st petitioner's deceased husband Murugan had borrowed certain amount of



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money, after his death and after a period of eight months from the date of death of the said Murugan, had preferred a complaint as against the 1st petitioner who is the wife of the deceased Murugan and the other petitioners, who are distant relatives in this regard before the 5th respondent. The 5th respondent colluding with the 6th respondent are continuously harassing the petitioners for a matter about which they have no knowledge at all and sought for the indulgence of this Court.

3. The learned Government Advocate (Crl.Side) on instructions submitted that the 1st petitioner's husband had borrowed an amount to a tune of Rs.33 Lakhs from the wife of the 6th respondent. In this regard, the wife of the 6th respondent, namely, Muthumari had lodged a complaint before the 5th respondent and only on receipt of the same, the petitioners are directed to appear before the 5th respondent Police for attending the inquiry.

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



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

(a) With respect to the complaint 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.

(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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6. Considering the fact that the issue involved is all about money, the respondent police is directed to deal with the matter with caution following the directives of Lalitha Kumari Vs. State of Uttar Pradesh reported in (2014) 2 SCC 1. It is made clear that in the name of conducting enquiry, the 5th respondent police shall not conduct any Kangaroo Court insisting for any interest, if the investigation reveals receipt of money by the deceased husband of the 1st petitioner from Muthumari. It is made clear that the petitioner should not be made to suffer for any other transaction alleged to have between the petitioner's husband other than Muthumari.

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

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- 1.The Superintendent of Police,
Virudhunagar,
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- 2.The Superintendent of Police,
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Sivagangai District.
- 3.The Deputy Superintendent Of Police,
Sivakasi,
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- 4.The Inspector of Police,
Thiruthangal, Police Station,
Virudhunagar District.
- 5.The Inspector of Police,
M.Puthupatti Police Station,
Virudhunagar District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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