



CRL OP(MD). No.3735 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3735 of 2026

1.P.Sethu
2.Rajesh Kumar
3.Manickam
4.Siva

... Petitioners

Vs

1.The Deputy Inspector General,
Tirunelveli Range,
Tirunelveli.

2.The Superintendent of Police,
Tenkasi District.
Tenkasi.

3.The Deputy Superintendent of Police,
Alangulam Division,
Tenkasi District.

4.The Inspector of Police,
Alangulam Police Station,
Alangulam Taluk,
Tenkasi.

... Respondents

PRAYER :-

To direct the respondents Not To Harass the petitioners under the guise of enquiry.



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For Petitioners : Mr.K.Vinayagan

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

ORDER

This Criminal Original Petition is filed to direct the respondents not to harass the petitioners under the guise of enquiry.

2. Learned counsel for the petitioner submitted that the first petitioner has given a complaint as against one Arulsamy, due to some property dispute. Claiming that the fourth respondent is subjecting the petitioners to harassment and trying to initiate criminal action in a civil matter, this petition came to be filed.

3. Learned Government Advocate (Crl.side) submitted that two civil suits are pending between the petitioners and the said Arulsamy. Originally the property belongs to the Arulsamy. The said Arulsamy borrowed money from one Gowtham Chand Jain and executed a sale deed for security purpose. After the demise of Gowtham Chand Jain, his



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legal heirs have executed a sale deed in favour of the petitioner. Till date, the said Arulsamy is running a shop in the disputed place and since the petitioner has purchased the property, they are trying to evict the said Arulsamy. In this regard civil suits are pending.

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 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 of Cr.P.C / 64 of BNSS, 2023, specifying the date, time, and purpose of



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enquiry. Oral or informal summons are prohibited.

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(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.

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

7. With the above directions, this Criminal Original Petition is disposed of.

23.02.2026

NCC : Yes/No
Index : Yes / No

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To

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- 2.The Superintendent of Police,
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Tenkasi.
- 3.The Deputy Superintendent of Police,
Alangulam Division,
Tenkasi District.
- 4.The Inspector of Police,
Alangulam Police Station,
Alangulam Taluk,
Tenkasi.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
IN
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Date : 23/02/2026