



Crl.O.P(MD)No.1339 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1339 of 2026

Reena

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep by the Superintendent of Police,
Tirunelveli District.
Tirunelveli 2.
- 2.The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Superintendent of Police Office Campus,
Samathanapuram,
Palayamkottai,
Tirunelveli.
- 3.Chermakani
- 4.Iyyammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the first respondent to instruct the second respondent not to harass the petitioner in the guise of enquiry in pursuance of the



Crl.O.P(MD)No.1339 of 2026

complaint of the third respondent and thereby not to interfere in civil dispute.

For Petitioner : Mr.S.R.Anbarasu
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl)

ORDER

On a complaint received from the 3rd respondent, the petitioner is subjected to harassment by the 2nd respondent police and hence, this petition.

2. The petitioner has purchased the property in Survey No.704/18 in Seevalaperi Village, Nanguneri Taluk, Tirunelveli District measuring 44 cents by way of registered sale deed, dated 21.11.1994 vide document No.1364/1994 of Sub Registry, Kalakkad. In turn, she sold the property to the 4th respondent through her power agent Mayilkanthan by executing a registered sale deed, dated 15.02.2024 vide document No.343/2024. Since then, the 4th respondent is in possession and enjoyment of the same. While so, the 3rd respondent



lodged a complaint before the 1st and 2nd respondents. On the complaint received from the 3rd respondent, the 2nd respondent is subjecting the petitioner to harassment. Hence, this petition.

3. The learned Government Advocate(Crl.Side) submitted that some property was fabricated by one Vijayakani and the petitioner. During the time of enquiry, both the parties appeared for enquiry and undertook to return the document and to execute rectification deed. Based on the undertaking, the complaint was closed. However, on the basis of the undertaking, the petitioner has not turned up to execute the rectification deed as agreed by him before the police.

4. Per contra, the learned counsel for the petitioner submitted that the 2nd respondent police had obtained the said undertaking only under coercive action.

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



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6. It is understood from the submission made on either side, the matter is with respect to execution of rectification deed to the document bearing No.343/2024 of Sub Registry, Kalakkad, dated 15.02.2024. In this regard, the petitioner apprehends harassment in the hands of the 2nd respondent police.

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 41-A Cr.P.C/35(3) BNSS, 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.



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Crl.O.P(MD)No.1339 of 2026

(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.

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

23.01.2026

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

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Crl.O.P(MD)No.1339 of 2026

To

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Tirunelveli District.
Tirunelveli 2.
- 2.The Inspector of Police,
District Crime Branch,
Superintendent of Police Office Campus,
Samathanapuram,
Palayamkottai,
Tirunelveli
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.1339 of 2026

L.VICTORIA GOWRI, J.

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Crl.O.P(MD)No.1339 of 2026

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