

(2026) 03 MAD CK 0911

In the Madras High Court

Case No : Criminal Original Petition No. 5196 Of 2026

Vijayakumar

APPELLANT

Vs

Superintendent Of Police And Others

RESPONDENT

Date of Decision : 06-03-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35(3)

Citation : (2026) 03 MAD CK 0911

Hon'ble Judges : M.Nirmal Kumar, J

Bench : Single Bench

Advocate : Suresh Ethiraj, Leonard Arul Jospeh Selvam

Final Decision : Disposed Of

Judgement

M.Nirmal Kumar, J

1. The present Criminal Original Petition has been filed seeking a direction to the respondent police not to harass the petitioner under the guise of enquiry.
2. The case of the petitioner is that under the pretext of conducting an enquiry in connection with the existing civil dispute with one Dilli Babu, Diwakar and Nadiya claiming to be land owners, the respondent Police are unnecessarily harassing him.
3. The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given against the petitioner, the respondent Police are conducting an enquiry and that the petitioner was called only for enquiry and was not harassed during the enquiry.
4. Considering the submissions made and on perusal of the materials it is seen that the petitioner is called for enquiry based on the complaint given by one Nathiya. The petitioner along with other persons, obstructing the surveyor to survey the lands and also obstructing the said Nathiya on their peaceful enjoyment and cultivating their property. The learned Additional Public

Prosecutor submits that earlier the petitioner appeared and thereafter not appeared. The respondent would serve notice to the petitioner to conduct enquiry and proceed in accordance with law.

5. Such being the position, it is for the Investigating Agency to issue appropriate notice to the petitioner under Section 35(3) of BNSS for enquiry and on receipt of such notice, the petitioner shall appear for enquiry and co-operate in the investigation. It is made clear that the petitioner shall not be harassed during the course of enquiry. If any cognizable offence is made out, the respondent Police shall register a First Information Report and proceed in accordance with law.

6. Accordingly, this Criminal Original Petition stands disposed of.