

CrI.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.08.2025

PRONOUNCED ON : 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

CrI.OP(MD)No.9478 of 2025:-

1.Abdul Kadar

2.Feroshkhan

3.Basheer

4.Ayeesha Gani

5.Thaj Nisha

6.Mohamed Feroz Khan

7.Mohamed Syed Ali Shifana

: Petitioners

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Tirunelveli City.



Crl.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

2.The Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Melapalayam,
Tirunelveli.

3.The Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
City Crime Branch (CCB),
Tirunelveli.

4.The Inspector of Police,
City Crime Branch (CCB),
Tirunelveli.

5.Syed Abdul Kathar

6.M.Syed Ahamed Sheik @ Jassim

7.M.Huthaiba @ Heithaifa

8.The Secretary to Government,
Home Department,
Chennai.

9.The Director General of Police,
Chennai.

: Respondents

[R.8, R.9 are *suo-motu* impleaded vide order dated 09.06.2025]

PRAYER: Petition filed under Section 528 BNSS seeking a direction to the respondents 3 & 4 not to harass the petitioners in the guise of enquiry.



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Crl.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

For Petitioners : Mr.A.Abdul Kabur

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1 to R.4, R.8, R.9

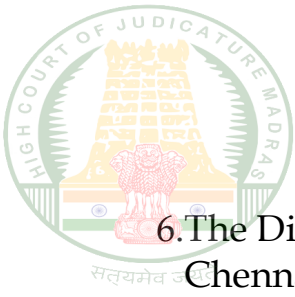
Crl.OP(MD)No.9529 of 2025:-

K.Vadhani

: Petitioner

Vs.

- 1.State of Tamil Nadu, through
The Superintendent of Police,
District Crime Branch,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Special Cell for Land Grabbing Cases,
District Crime Branch,
Ramanathapuram.
- 3.The Inspector of Police,
District Crime Branch,
Ramanathapuram Town,
Ramanathapuram.
- 4.Muthu Koothal Phirdhowsia
- 5.The Secretary to Government,
Home Department,
Chennai.



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6.The Director General of Police,
Chennai.

: Respondents

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[R.5, R.6 are *suo-motu* impleaded vide order dated 09.06.2025]

PRAYER: Petition filed under Section 528 BNSS seeking a direction to the official respondents not to harass the petitioner under the guise of enquiry and not to interfere in the civil dispute between the petitioner and the fourth respondent.

For Petitioner : Ms.K.P.Ilakkiya

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1 to R.3, R.5, R.6

Crl.OP(MD)No.10268 of 2025:-

S.Premini

: Petitioner

Vs.

1.State of Tamil Nadu, Rep. by
The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.State of Tamil Nadu, Rep. by
The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.



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3.M.Johnish

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4.The Inspector General of Police,
South Zone,
No.1, Pudhunatham Road,
B.B.Kulam, Madurai – 625 002.

: Respondents

[R.4 *suo-motu* impleaded vide order dated 20.06.2025]

PRAYER: Petition filed under Section 528 BNSS seeking a direction to the second respondents not to harass the petitioner and her family members under the guise of enquiry based on the complaint of the third respondent.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1, R.2, R.4

Crl.OP(MD)No.10356 of 2025:-

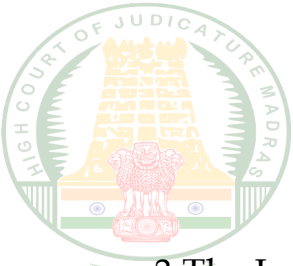
Krishnaprabhu

: Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Elayangudi, Sivagangai District.
Cr.No.75 of 2025



Crl.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

3.The Inspector General of Police,
South Zone,
Madurai.

: Respondents

[R.3 suo-motu impleaded vide order dated 20.06.2025]

PRAYER: Petition filed under Section 528 BNSS seeking a direction to the second respondent to file the final report in Crime No.75 of 2025 within a stipulated time limit.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor

Crl.OP(MD)No.10373 of 2025:-

Gandhi

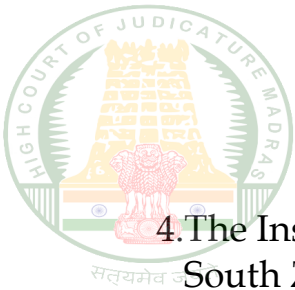
: Petitioner

Vs.

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

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

3.Malayalam



Crl.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

4.The Inspector General of Police,
South Zone,
No.1, Pudhunatham Road,
B.B.Kulam,
Madurai – 625 002.

: Respondents

[R.4 *suo-motu* impleaded vide order dated 20.06.2025]

PRAYER: Petition filed under Section 528 BNSS seeking a direction to the second respondent Police not to harass the petitioner and his family under the guise of enquiry and consequently, take action against the third respondent, who harassed the petitioner and his family, based on the petitioner's representation dated 22.04.2025.

For Petitioner : Mr.M.Pandian

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1, R.2, R.4

Crl.OP(MD)No.10895 of 2025:-

M.Manoharan

: Petitioner

Vs.

1.State of Tamil Nadu, through
The Superintendent of Police,
Tirunelveli District.



Crl.OP(MD)Nos.9478, 9529, 10268, 10356, 10373, 10895 of 2025

2. The Deputy Superintendent of Police,
Ambasamudram Sub Division,
Tirunelveli.

3. The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

4. Iyyadurai : Respondents

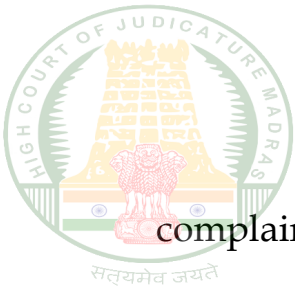
PRAYER: Petition filed under Section 528 BNSS seeking a direction to the second respondent not to harass the petitioner under the guise of enquiry being held in connection with the complaint given by the fourth respondent.

For Petitioner : Mr.R.Anand

For Respondents: Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1 to R.3

COMMON ORDER

The petitioners in these petitions, excepting Crl.OP(MD)No.10356 of 2025, have approached this Court seeking a direction to the respondent Police not to harass them under the guise of enquiry on the basis of private



complaints that are admittedly civil in nature, such as money disputes, property transactions, and contractual disagreements.

2.Insofar as Crl.OP(MD)No.10356 of 2025 is concerned, the petitioner / defacto complainant sought for a direction to file the final report in Crime No.75 of 2025, as expeditiously as possible. The case in Crime No.75 of 2025 also pertains to a financial transaction.

3.Since all these criminal original petitions raise a common question regarding the power of the police to entertain civil disputes, they are heard together and disposed of by this common order.

Crl.OP(MD)No.9478 of 2025:-

4.The petitioners, who are members of the same family, seek protection against harassment under the guise of enquiry based on a complaint lodged by the fifth respondent. The first petitioner runs a jewellery shop at Melapalayam, Tirunelveli. There were business dealings between him and the fifth respondent, out of which certain disputes arose.



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5.The petitioners state that when the first petitioner and his uncle were called to Tirunelveli Town Katchi Mandapam by the fifth respondent, the respondent nos.6 and 7, said to be his associates, abused and assaulted them and forcibly took 162.50 grams of gold. On his complaint, Crime No. 297 of 2024 was registered for various offences under the Bharatiya Nagarik Suraksha Sanhita (BNSS), and a subsequent case in Crime No.98 of 2025 was registered followed another attack on 31.03.2025.

6.According to the petitioners, because of this previous animosity, the respondent nos.5 to 7 have fabricated a complaint alleging cheating of Rs.3,00,00,000/-, which is purely a money dispute. Without issuing any formal summons, the second respondent called the petitioners for enquiry and allegedly harassed them.

7.Learned Additional Public Prosecutor, on instructions, submitted that the complaint of the fifth respondent was enquired into as "current paper enquiry" in C.No.161/COP/Camp/PG-C/Tin-C/2025, dated



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12.04.2025, C.No.69/COP/DC East/Ptn/Tin-C/2025, C.No.125/AC CCB/

Ptn/Tin-C/2025, dated 07.05.2025 and C.No.118/Inspr/CCB/Ptn/Tin-

C/2025, dated 07.05.2025. It is further stated that the enquiries were preliminary in nature and no FIR was registered.

CrI.OP(MD)No.9529 of 2025:-

8.The petitioner, a widow, seeks a direction restraining the police from interfering in a civil dispute arising out of a sale agreement. Her deceased husband, a businessman and architect, had availed bank loans under various schemes and, after his demise during the Covid-19 period, default occurred. To avoid action under the SARFAESI Act, the petitioner entered into a sale agreement with the fourth respondent for Rs.48,50,000/-, receiving Rs.15,50,000/- as advance.

9.The grievance of the petitioner is that the fourth respondent failed to pay the balance amount of Rs.33,00,000/- and therefore, she has not executed the sale agreement. The fourth respondent instead of settling the balance amount, lodged a police complaint demanding Rs.21,00,000/- with



interest. The petitioner alleges that she was repeatedly called to the police station and detained for several hours under threat.

10.Learned Additional Public Prosecutor submitted that the fourth respondent lodged a complaint with the Superintendent of Police, DCB, Ramanathapuram, which was forwarded to the DCB for enquiry. The matter was treated as a “current paper enquiry” and closed on 26.05.2025. However, since the fourth respondent filed W.P.(MD) No.12459 of 2025 seeking a direction for enquiry on earlier complaints dated 26.11.2024 and 10.02.2025, and this Court on 29.04.2025 directed an enquiry within fifteen days, the petitioner was called only pursuant to that judicial order.

Crl.OP(MD)No.10268 of 2025:-

11.The petitioner alleges repeated harassment under the guise of enquiry on a money dispute with the third respondent.

12.According to the petitioner, the complaint against her for the alleged borrowing and non-repayment of Rs.31,00,000/- was first treated as

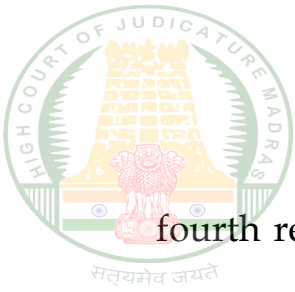


CSR No.59 of 2025 and it was closed as civil in nature, after both parties agreed to approach the civil court. The petitioner contends that despite such closure, the third respondent again lodged another complaint before the Superintendent of Police, which was forwarded to the second respondent and treated as a “current paper enquiry.” Summons dated 16.04.2025 were issued under Sections 94 and 179 BNSS, and the petitioner appeared on 19.04.2025, where she was allegedly coerced to settle the amount.

13.Learned Additional Public Prosecutor admitted that an enquiry had been conducted earlier in CSR No.59 of 2025 and closed. A subsequent complaint was forwarded by the Superintendent of Police under reference C.No.P2/19869/GDP/1061/SP/KKI/2025, based on which another current paper enquiry was held and closed on 19.04.2025.

CrI.OP(MD)No.10895 of 2025:-

14.The petitioner, owner of property in Survey No.277/1A, Melur Ambur Village, entered into a sale agreement dated 21.01.2024 with the



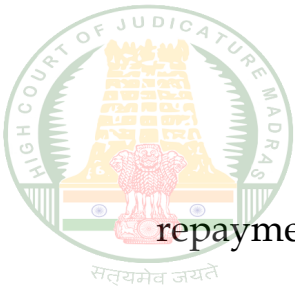
fourth respondent, receiving Rs.3,00,000/- as advance with a commitment to complete the sale before 20.05.2025. When the balance was not paid, he issued a legal notice to the buyer, who in turn lodged a false complaint.

15.The petitioner appeared before the police on 22.05.2025, where the matter was closed as civil. Nevertheless, a second complaint was lodged on 11.06.2025 and entertained as “current paper enquiry,” causing further harassment.

16.Learned Additional Public Prosecutor submitted that the fourth respondent’s first complaint was treated as CSR No.233 of 2025 and closed on 03.03.2025. A second complaint on the same issue was again forwarded by the Superintendent of Police for enquiry, which was conducted as current paper and closed on 11.06.2025.

CrI.OP(MD)No.10356 of 2025:-

17.The petitioner, a Doctor, lent Rs.1,00,000/- to certain individuals for marriage expenses. When the amount was not returned, he sought



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repayment, however, he was pushed to the ground and threatened. His

complaint to the DSP, Sivagangai, on 14.02.2024 led to Crime No.75 of 2025

being registered on 22.02.2025. The petitioner contends that the complaint

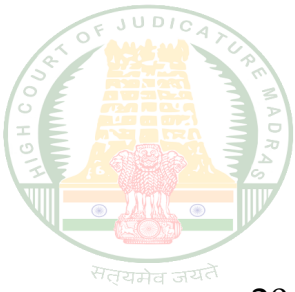
was unnecessarily delayed and the same is still pending without filing of

any final report.

18.Learned Additional Public Prosecutor submitted that investigation in Crime No.75 of 2025 has been completed and charge-sheet filed on 21.06.2025 before the Judicial Magistrate, Manamadurai.

Crl.OP(MD)No.10373 of 2025:-

19.The petitioner contends that the third respondent's complaint, alleging that Rs.4,00,000/- was lent in 2022 and that the petitioner later threatened him, is purely a civil dispute. However, the complaint, forwarded to Y.Othakadai Police Station on 18.06.2024, has been pending as "current paper enquiry" since August 2024, and the petitioner and his family were repeatedly summoned and harassed.



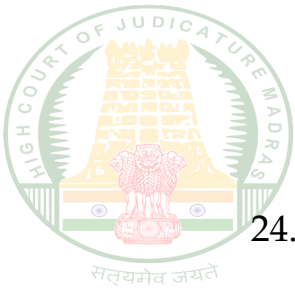
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20.The petitioner also complains that the police continue to entertain repetitive complaints despite earlier closure on the ground of civil nature.

21.Learned Additional Public Prosecutor submitted that the complaint was first closed on 09.08.2024 as civil in nature, and the subsequent “current paper enquiry” under GDR No.110905 was closed on 31.05.2025 when the petitioner failed to appear.

22.Heard the learned Counsel appearing for the respective parties and perused the materials placed on record.

23.In all these cases, the nature of complaints are purely civil in nature. Civil Courts are established to address this kind of disputes. However, it appears that the private individuals found an easy method to collect money, which is due to them, by lodging a complaint before the police.



24.The Police Standing Order PSO.No.562 specifically prohibits the police from investigating the cases of civil in nature. Time and again, the Hon'ble Supreme Court and this Court have issued several directions in this regard affirming that police cannot investigate purely civil disputes.

25.In *Indian Oil Corporation v. NEPC India Ltd.* [(2006) 6 SCC 738], the Hon'ble Supreme Court held that criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. The relevant portions are extracted hereunder:

"9. The principles, relevant to our purpose are:

... (v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the



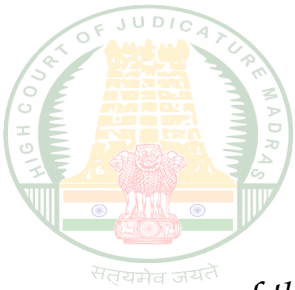
complaint disclose a criminal offence or not.

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10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged."

26. In *Shailesh Kumar Singh @ Shailesh R. Singh v. State of Uttar Pradesh* [(2025) INSC 869], the Hon'ble Supreme Court has disapproved the practice of using criminal proceedings as a substitute for civil remedies. The relevant portions are extracted hereunder:

"10. How many times the High Courts are to be reminded that to constitute an offence of cheating, there has to be something more than *prima facie* on record to indicate that the intention of the accused was to cheat the complainant right from the inception. The plain reading of the FIR does not disclose any element of criminality.

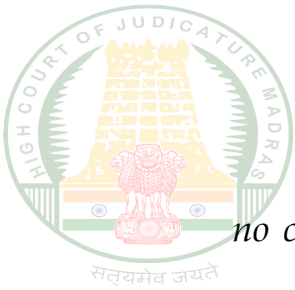


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11. *The entire case is squarely covered by a recent pronouncement of this Court in the case of “Delhi Race Club (1940) Limited vs. State of Uttar Pradesh” reported in (2024) 10 SCC 690. In the said decision, the entire law as to what constitutes cheating and criminal breach of trust respectively has been exhaustively explained. It appears that this very decision was relied upon by the learned counsel appearing for the petitioner before the High Court. However, instead of looking into the matter on its own merits, the High Court thought fit to direct the petitioner to go for mediation and that too by making payment of Rs. 25,00,000/- to the 4th respondent as a condition precedent. We fail to understand why the High Court should undertake such exercise. The High Court may either allow the petition saying that no offence is disclosed or may reject the petition saying that no case for quashing is made out. Why should the High Court make an attempt to help the complainant to recover the amount due and payable by the accused. It is for the Civil Court or Commercial Court as the case may be to look into in a suit that may be filed for recovery of money or in any other proceedings, be it under the Arbitration Act, 1996 or under the provisions of the IB Code, 2016.*

12. *Why the High Court was not able to understand that the entire dispute between the parties is of a civil nature.*

13. *We also enquired with the learned counsel appearing for the Respondent No.4 whether his client has filed any civil suit or has initiated any other proceedings for recovery of the money. It appears that*



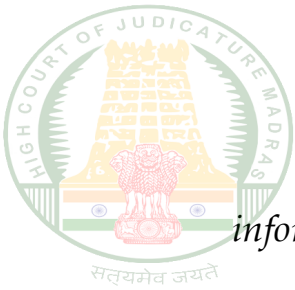
no civil suit has been filed for recovery of money till this date. Money cannot be recovered, more particularly, in a civil dispute between the parties by filing a First Information Report and seeking the help of the Police. This amounts to abuse of the process of law."

27.The Director General of Police, based on the directions issued by this Court, has issued a circular restraining the police from entertaining the complaint of civil in nature in Circular No.126303/Cr.I(1)/2008, dated 04.12.2008. This circular specifically prohibits the police officer that they should not entertain any enquiry and cause any investigation in cases of civil nature. The relevant portions are extracted as under:-

"Guideline for dealing with disputes relating to land and money matters:-

1. In disputes relating to land and money matters, where prima-facie a cognizable offence is made out on the basis of evidence/documents accompanying a complaint, the police should register a case by drawing a FIR and proceed with the investigation.

2. Where on the face of the complaint it is not clear to the police officer whether the wrong committed is civil or criminal, he should make a preliminary enquiry, which includes referring the matter to his superiors or law officers and seek guidance. The complainant should be



informed about this and an endorsement for enquiry given to him. Such an enquiry should be completed within fifteen days and if it discloses a cognizable offence, action should be taken as mentioned in Para 1.

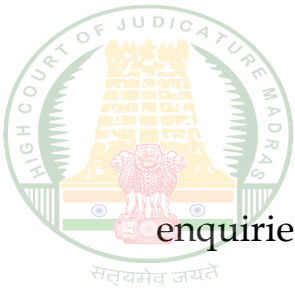
3. While conducting such an enquiry, it should be borne in mind that the Cr.PC does not provide the Police to summon a person to the Police Station till a criminal case has been registered.

... ..

12. Where the dispute prima-facie appears to be of a civil nature, the police officer should not enter into any enquiry or cause settlements."

28.Recently, a similar circular was also issued by the Additional Director General of Police in Circular No.18/ADGP/L&O/Camp/2024, dated 09.01.2024. These departmental circulars thus make it explicit that police officers have no jurisdiction to summon parties or mediate civil disputes under the pretext of enquiry.

29.Learned Additional Public Prosecutor (Crl. Side) acknowledged that in each of these cases, the underlying dispute pertains to private financial transactions or sale agreements. However, he submitted that these



enquiries were only “current paper” verifications on petitions received from the public and forwarded by the superior officers and that no FIRs were registered.

30.The police cannot and should not intervene in purely civil disputes, unless the complaint contains prima facie allegations disclosing criminal elements such as cheating, criminal breach of trust, misappropriation, or criminal intimidation, backed by specific factual details. No such ingredients are found in the present matters. Despite this, the police have proceeded to conduct what is described as a ‘current paper enquiry’.

31.Two things disturb the minds of this Court. The first is that as per the Code of Criminal Procedure [Bharatiya Nagarik Suraksha Sanhita], the process begins with the lodging of information regarding the commission of a cognizable offence before the Station House Officer (SHO) under Section 154(1) CrPC [Section 173(1) BNSS]. The officer is duty-bound to register the information and commence investigation. In case the SHO



refuses to record the information, the aggrieved person may submit the same in writing to the Superintendent of Police / Commissioner of Police or other superior officer under Section 154(3) CrPC [Section 173(3) BNSS], requesting necessary action. If no action is taken even at the supervisory level, then the person may approach the jurisdictional Magistrate under Section 156(3) CrPC [Section 175(1) BNSS], seeking a direction to the police to investigate the matter.

32.However, instead of lodging the complaint before the SHOs, complaints are directly lodged before the higher officials, viz., Superintendent of Police / Commissioner of Police and they are also mechanically forwarding such type of complaints as postmen, without ascertaining as to whether the complaints can be entertained by the police or the issue has to be addressed only before the civil Courts.

33.The second thing is that the so-called “current paper enquiry”, a term alien to the Code of Criminal Procedure / Bharatiya Nagarik Suraksha Sanhita and absent in any officially sanctioned police manual or



standing order, is being increasingly resorted to by the police without any formal registration or record. These enquiries are neither reflected in the General Diary (GD) nor in any prescribed register, and there is no docketing, case number, or identifiable paper trail. As a result, the entire exercise remains invisible to judicial or administrative scrutiny. Such an informal mechanism, when allowed to operate without regulation, opens the door to arbitrary exercise of discretion, wherein the police may choose to act or not act on a complaint at their own volition, and without any accountability.

34.Any action taken without generating a corresponding record, whether by way of a CSR number, petition register entry, or any other formally maintained docket, cannot be countenanced under law. Such unrecorded steps create a shadow administrative system, where matters may be selectively acted upon or indefinitely kept pending, without any audit trail. This Court is of the view that permitting such undocumented enquiries, particularly in cases that are later closed as civil in nature, opens the door to arbitrary conduct, including the possibility of coercion, inaction,

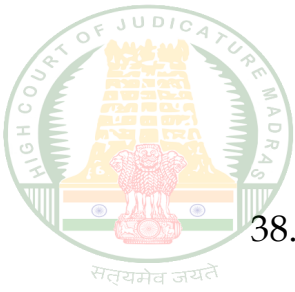


or collusive compromise at the police station level, all without judicial or administrative scrutiny.

35.Upon impleading, the Inspector General of Police, South Zone, filed a report through the learned Additional Public Prosecutor that under Section 154(3) BNSS, the Superintendent of Police is empowered to receive information and direct investigation. Reference was also made to Police Standing Order 135(8) and G.O.(Ms) No.99 dated 21.09.2015, which permit redressal of public grievances.

36.Insofar as entertaining a civil complaint is concerned, reference was made to the Memorandum issued by the Inspector General of Police, South Zone, in No.C2/E-10902261/2025 dated 02.07.2025 directing that complaints *prima facie* civil in nature, without any element of cognizable offence, shall not be entertained for enquiry at all.

37.This Court paid it's anxious consideration to the rival submissions made on either side and perused the materials placed on record.

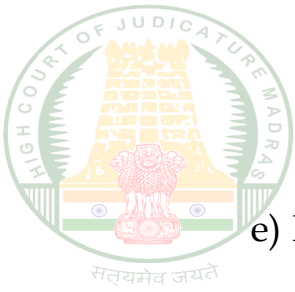


38. a) In Crl.O.P.(MD) No.9478 of 2025, the petitioners faced repeated summons based on counter-complaints from a business rival, though criminal cases were already registered earlier. Despite closure of the matter, the police continued to summon them under “current paper enquiry”.

b) In Crl.O.P.(MD) No.9529 of 2025, a widow who entered into a sale agreement to clear her husband’s loan was allegedly coerced by the police to settle with the purchaser, even after the matter had been closed as civil in nature.

c) In Crl.O.P.(MD) No.10268 of 2025, the petitioner was repeatedly called for enquiry on a money dispute that had already been closed as CSR No.59 of 2025. A fresh “current paper” was opened and summons were issued under Sections 94 and 179 of the BNSS, 2023.

d) In Crl.O.P.(MD) No.10895 of 2025, the petitioner, a property owner, was summoned twice over a sale agreement dispute – once under CSR No. 233 of 2025 (closed) and again under a new “current paper” reference.



e) In Crl.O.P.(MD) No.10356 of 2025, the petitioner, a doctor, had lent Rs.1,00,000/- for marriage expenses. For non-repayment, an FIR was belatedly registered, but the nature of the transaction remained civil.

f) In Crl.O.P.(MD) No.10373 of 2025, the petitioner and his family were subjected to repeated enquiries regarding a small personal loan, despite the police earlier closing the case as civil in nature.

39.This Court finds that the disputes involved in all these petitions are undeniably civil in nature – relating to sale agreements, money transactions, and property disputes. None of the complaints disclose ingredients of a cognizable offence such as cheating, criminal breach of trust, or criminal intimidation backed by specific material particulars. Despite this, police officers have entertained such complaints, conducted enquiries, and issued summons in the name of “current paper enquiry”.

40.This Court is repeatedly witnessing several applications being filed that the police officers are harassing the individuals in civil matters. It



appears that the police have forgotten their responsibilities and duties and

are indulging in these type of Kattapanchayats. It is regrettable to note that

these applications are being entertained and the Police, in uniform, are

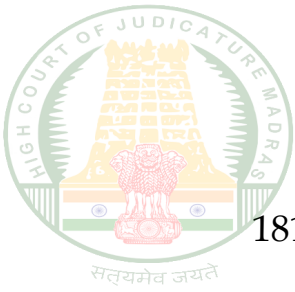
working as asset recovery agents for collecting money in financial

transactions.

41. Therefore, this Court *suo motu* impleaded the Secretary to Government, Home Department, Chennai as well as the Director General of Police, Chennai, as parties to these petitions and sought for their response, in terms of corrective and preventive action.

42. Subsequent thereto, a status report was filed by the Assistant Inspector General of Police, High Court Cases Monitoring Cell, stating as follows:-

- A Committee headed by the ADGP, SCRB, Chennai was constituted, consisting of senior police officers and a Senior Law Officer from the Office of the State Public Prosecutor.
- Based on the recommendations, the DGP issued Circular in C.No.

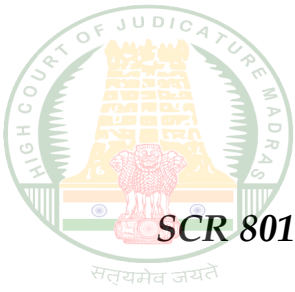


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1810/SCRB/2025-5 dated 14.06.2025 regarding the conduct of preliminary enquiry under the BNSS.

- It has been directed that whenever preliminary enquiry is proposed under Section 173(3) BNSS, a CSR shall be issued recording that the petition is under enquiry.
- Summons / notice, if at all, must be traceable only to Section 173(3) BNSS and not to Sections 179 or 35(3) BNSS.
- Summons / notice shall be issued only on the registration of FIR / CSR / Preliminary Enquiry.
- When any public grievance petition is received and forwarded by a senior officer to the police station, the same shall be made part of either CSR / PE / FIR.
- No summons / notice shall be issued under the reference of a 'Current Paper Enquiry'.

43.This Court feels it appropriate to refer to the judgment of the Hon'ble Supreme Court in *Lalita Kumari v. Government of U.P.*, [(2013) 14

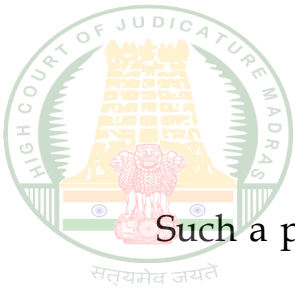


SCR 801], where the Court permitted preliminary enquiry in a limited class

of cases — such as matrimonial disputes, commercial offences, corruption complaints, and matters involving medical negligence — only where the nature of the offence is not immediately clear or is inherently sensitive. Even in such cases, the preliminary enquiry must be time-bound and cannot be used as a tool to delay or avoid registration of FIR when the information discloses a cognizable offence. In contrast, when no criminality is made out at all, as in the present cases, the question of preliminary enquiry or police involvement does not arise.

44.The continuation of such an enquiry despite the absence of any criminal ingredient not only causes hardship to the parties involved but also sets a disturbing precedent of police overreach into civil disputes. It risks converting the police station into an informal forum for resolving private civil grievances, contrary to the rule of law.

45.In the cases on hand, the respondent Police appears to have issued summons under Sections 94 and 179 BNSS even before FIR registration.



Such a practice has no legal sanction under the BNSS or any other statute.

It not only exceeds the jurisdiction of the police, but also erodes the citizen's fundamental right to life and liberty under Article 21 of the Constitution.

46.This Court feels it relevant to refer to the decision in *R.Somasundaram v. State of Tamil Nadu* [Crl.OP(MD)No.10129 of 2025, dated 14.10.2025], wherein this Court has clarified as under:-

"13. ... A preliminary enquiry cannot be expanded into a mini-trial or fact-finding process to test the veracity of allegations; its purpose is only to ascertain whether the case falls within the statutory parameters for FIR registration.

... ..

23.Therefore, the practice of summoning parties during the preliminary enquiry stage cannot be sustained in law. Recognising such a practice would encourage "kangaroo courts" or "katta panchayats" under the guise of enquiry.

24.Accordingly, this Court holds as under:

- (i) Summons/notice cannot be issued during preliminary enquiry.*
- (ii) The scope of preliminary enquiry is confined to perusal of the*



complaint and supporting materials furnished by the complainant.

(iii) If a cognizable offence is disclosed, the police shall register an FIR forthwith and proceed with investigation.

(iv) Any enquiry under Section 173(3) BNSS must be completed within 14 days, after approval from a DSP, and the result communicated to the complainant."

47.The Court is constrained to note that "current paper enquiries" have become a convenient instrument of harassment. Such informal proceedings have no recognition under law, and this Court holds that the invocation of Sections 94 and 179 of the BNSS, 2023 before registration of an FIR is patently illegal. An individual cannot be compelled to appear before the police unless a cognizable offence has been disclosed and recorded in accordance with Section 173 of the BNSS.

48.Accordingly, the following directions are issued for uniform implementation throughout the State:

(i) Police officers shall not entertain or conduct enquiries in disputes which are civil in nature, such as those involving money, property, or



contracts.

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(ii) The practice of “current paper enquiry” has no statutory recognition and shall be discontinued forthwith.

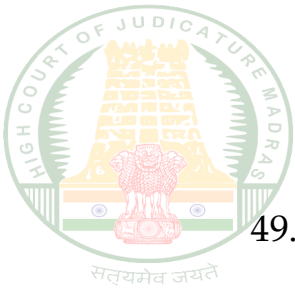
(iii) Summons or notices under Sections 94 or 179 BNSS shall be issued only after registration of an FIR, and never during preliminary or petition enquiry.

(iv) If a complaint *prima facie* discloses a cognizable offence, the police shall register an FIR immediately and proceed to investigate in accordance with Section 173 BNSS.

(v) In all other cases, complainants shall be advised to approach the appropriate Civil Court or forum.

(vi) The Director General of Police, Chennai, shall circulate this order and the circulars dated 04.12.2008, 09.01.2024, and 02.07.2025 to all units and ensure compliance through periodic monitoring.

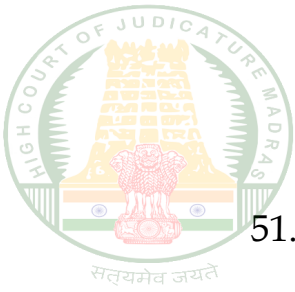
(vii) Violation of these directions by any police officer shall invite departmental action under the relevant service rules.



49.This Court takes note of the report filed by the Assistant Inspector

General of Police, High Court Cases Monitoring Cell, which records that pursuant to the directions of this Court, the Director General of Police has issued Circular in C.No.1810/SCRB/2025-5 dated 14.06.2025, prescribing the proper procedure for preliminary enquiry under Section 173(3) of the BNSS. The said circular mandates that every petition received from superior officers shall be formally entered as a CSR, Preliminary Enquiry, or FIR, and expressly prohibits the use of the term “current paper enquiry.”

50.Thus, both disturbing features earlier noted by this Court – namely (i) the indiscriminate forwarding of complaints by senior officers without jurisdictional scrutiny, and (ii) the resort to unrecorded “current paper enquiries” – now stand clarified and rectified through the said circular and the directions issued herein. The Court expects that this institutional response will be effectively implemented at the ground level, ensuring that no police officer steps beyond the limits of statutory authority.



51.All these Criminal Original Petitions are disposed of with the above directions. The respondent police are restrained from summoning or harassing the petitioners or their family members under the guise of “enquiry” in civil disputes.

52.Before parting, this Court reiterates that law and order is not served by extending police jurisdiction into civil fields. The separation between civil and criminal remedies is a constitutional safeguard against misuse of State power. Despite repeated judicial pronouncements and departmental instructions, these practices persist, reflecting systemic disregard of established boundaries.

53.The recurring pattern of the police acting as de facto recovery agents at the behest of private individuals reflects a systemic malaise. It strikes at the core of the rule of law and requires firm judicial correction. The police are entrusted with the solemn duty of enforcing the criminal law, not mediating private quarrels or acting as recovery agents. This Court expects the higher police authorities to ensure that such unauthorised



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practices are eradicated once and for all. Any recurrence will invite severe judicial scrutiny.

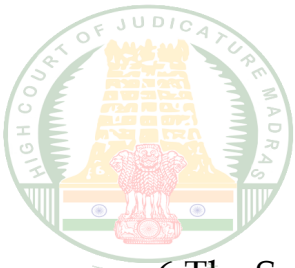
Registry is directed to forward a copy of this order to the Director General of Police, Tamil Nadu, for circulation to all District Superintendents and Commissioners of Police for strict compliance.

Internet : Yes
gk

05.11.2025

To

- 1.The Secretary to Government,
Home Department,
Chennai.
- 2.The Director General of Police,
Chennai.
- 3.The Inspector General of Police,
South Zone,
Madurai.
- 4.The Commissioner of Police,
Tirunelveli City.
- 5.The Superintendent of Police,
District Crime Branch,
Ramanathapuram.



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6.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

7.The Superintendent of Police,
Sivagangai District.

8.The Superintendent of Police,
Madurai District,
Madurai.

9.The Superintendent of Police,
Tirunelveli District.

10.The Assistant Commissioner of Police,
Melapalayam,
Tirunelveli.

11.The Assistant Commissioner of Police,
City Crime Branch (CCB),
Tirunelveli.

12.The Deputy Superintendent of Police,
Special Cell for Land Grabbing Cases,
District Crime Branch,
Ramanathapuram.

13.The Deputy Superintendent of Police,
Ambasamudram Sub Division,
Tirunelveli.

14.The Inspector of Police,
City Crime Branch (CCB),
Tirunelveli.



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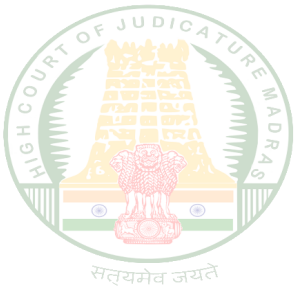
15.The Inspector of Police,
District Crime Branch,
Ramanathapuram Town,
Ramanathapuram.

16.The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.

17.The Inspector of Police,
Elayangudi,
Sivagangai District.

18.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

19.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.



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B.PUGALENDHI, J.

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05.11.2025