



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17159 of 2026

AND

CRL MP NO. 11402 OF 2026

Siva
S/o. Raji,
No.1/62, Chinna Street,
Perumalrajapettai Village,
Arakkonam Taluk,
Ranipet District.

..Petitioner(s)

Vs

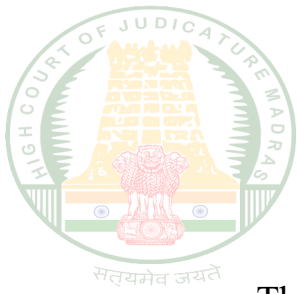
1. The Sub Divisional Executive Magistrate Cum
Revenue Divisional Officer
Arakkonam,
Ranipet District.
2. The State Rep By,
The Inspector of Police
Arakkonam Taluk Police Station,
Arakkonam,
Ranipet District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to Quash the impugned summon dated 29-5-2026 in Mu.Mu.Aa1/1861/2026 on the file of the 1st respondent.

For Petitioner(s): Mr.P.Krishnan

For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)



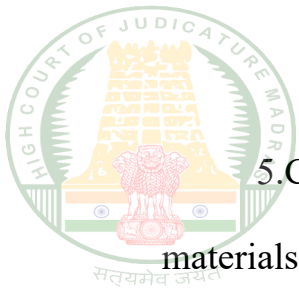
Order

The prayer in this Criminal Original Petition is to quash the summons issued to the petitioner dated 29.05.2026.

2. Upon perusal of the same, it can be seen that proceedings under Section 129 of the BNSS, have now been initiated against the petitioner, and the impugned summons is nothing but a show cause notice calling upon the petitioner to explain why he should not be directed to execute a bond for a sum of Rs.10,000 to ensure his good conduct.

3. The learned counsel for the petitioner would submit that the power cannot be invoked indiscriminately by the respondents and that such power, being draconian in nature, ought not to be exercised in the instant case without conducting a proper enquiry. The learned counsel also relied upon the judgment dated 22.12.2022 in Crl.O.P. No.31720 of 2022, etc.

4. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has criminal antecedents and that three cases, including one for the offence of murder, are pending against him.



5. Considering the rival submissions made and upon perusal of the materials placed on record, even in the light of the dictum laid down in the judgment relied upon by the learned counsel for the petitioner, it can be seen that such proceedings can be initiated against a habitual offender. In the present case, the petitioner has three criminal cases against him, and therefore, it cannot be said that the authorities lacked jurisdiction to initiate the proceedings. Further, the impugned proceedings are nothing but a show cause notice. It is always open to the petitioner to submit his explanation as to why the proceedings should not be continued and why they ought to be dropped.

6. With the above liberty, the prayer in this Criminal Original Petition cannot be countenanced, and accordingly, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

06-07-2026

Neutral Citation: No
AH

To

1. The Sub Divisional Executive Magistrate
Cum Revenue Divisional Officer,
Arakkonam, Ranipet District.

2. The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet District.

3. The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY J.

AH

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