



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18772 of 2026

and

Crl.M.P.No. 12507 of 2026

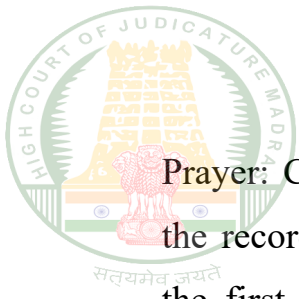
1. Praveen,
S/o.Krishnan,
8/41, Chettiannan Street,
Koneripatti, Rasipuram,
Namakkal District.
2. Suganeswaran
S/o.Venkatachalam,
M.K.Nagar, Pennagaram Village,
Dharmapuri District.
3. Krishnan
S/o.Kumarasamy,
8/41, Chettiannan Street,
Koneripatti, Rasipuram,
Namakkal District.
4. Jaya
W/o.Krishnan,
8/41, Chettiannan Street,
Koneripatti, Rasipuram,
Namakkal District.

..Petitioner(s)

Vs

The State rep by the Inspector of Police,
District Crime Branch,
Perambalur.
Crime No.9 of 2026.

..Respondent(s)



Prayer: Criminal Original Petition filed under Section 528 of BNS, to call for the records relating to the proceedings initiated pursuant to the application of the first respondent dated 20.06.2026 seeking attachment of the petitioners' properties in Crime No.09 of 2026 pending before the Learned Judicial Magistrate No.I, Perambalur, culminating in the impugned summons in Crl.M.P.No.900 of 2026 dated 08.07.2026, quash the said summons and all further proceedings initiated pursuant thereto.

For Petitioner(s): Mr.R.Nalliyappan

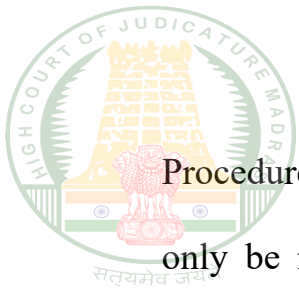
For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl. Side)

ORDER

The prayer in the Criminal Original Petition is to quash the summons in Crl.M.P.No. 900 of 2026 dated 08.07.2026.

2. Upon perusal of the records, it can be seen that the petitioners are an are accused in Crime No.09 of 2026, which is registered for the alleged offences under Sections 417 and 420 of Indian Penal Code. The Investigating Officer has now made an application under Section 107 of BNSS requesting the Court to attach the property.

3. The learned counsel for the petitioners would submit that with reference to the offences that are committed under the Indian Penal Code, which is said to have happened in the year 2020, the provisions of Code of Criminal



Procedure would continue to apply and the seizure of property, if it all made can only be made under Section 102 of the Code of Criminal Procedure, 1973.

With reference to the power of the police officer to seize the property, already, the Honourable Supreme Court of India has decided the issue in *Nevada Properties Private Limited Versus. State of Maharashtra and another, (2019) 20 SCC 119*. The learned counsel would specifically rely upon paragraph 32 of the said judgment. Therefore, he would plead that there is no power on the Investigating Officer to seize the property at this stage. The learned counsel would further submit that with reference to the merits of the case also, earlier the very same complaint was lodged before yet another police and after investigation, the same was closed and by suppressing all the above, the present complaint has been given.

4. I have considered the said submissions made by the learned counsel for the petitioners and also heard the learned Government Advocate (Criminal side).

5. Now by invoking Section 107 of BNSS, the police officer had made an application to the Court. The Court had only issued a notice to the accused in the form of show cause notice. Therefore, whether Section 107 can be invoked or not, and even otherwise, whether under Section 102, the investigating officer at this stage can make such a prayer or not, can be pleaded before the Court



concerned which issued the summons and, it is for the Court to take notice of every aspect of the same and decide the issue. The learned counsel for the petitioner will also be free to place on record as to the earlier proceedings that is said to have happened between the parties and, it is for the Trial Court to dispassionate to consider each and every aspect of the same and pass final orders in accordance with law.

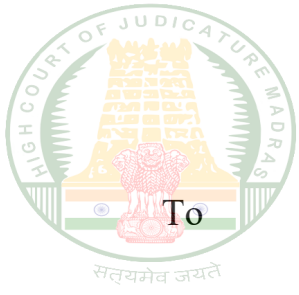
6. Since the order impugned is only a summons, this Court is not interfering in the matter. Keeping open the liberty of the petitioners to raise each and every issue before the Trial Court, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

14-07-2026

Neutral Citation: No

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Note: Issue order copy on 15.07.2026.



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1. The Inspector of Police
District Crime Branch,
Perambalur.
2. The learned Judicial Magistrate No.I,
Perambalur.
3. The Public Prosecutor,
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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