



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19515 of 2026

and

CRL.MP.No.12955 of 2026

E.D.Sethupathi

..Petitioner(s)

Vs

The State Represented by
The Inspector of Police,
District Crime Branch,
Perambalur District.

..Respondent(s)

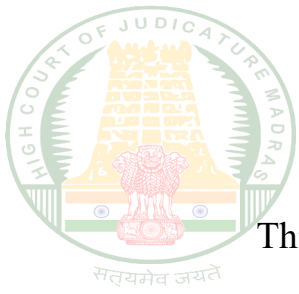
Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to call for records pertaining to the undated and unnumbered petitioner summon issued U/s.94 BNSS u/s179 BNSS to appear for enquiry on 21.07.2026 and Quash the same and to pass such other order or orders that deems fit and proper in the circumstances of the case.

For Petitioner(s):

Mr.L.Chandrakumar
for M/s.V.T.Srinivasan

For Respondent(s):

Mr.M.Mohamed Riyaz,
Government Advocate (Crl. Side)

**ORDER**

This Criminal Original Petition is filed challenging the impugned summons issued on the petitioner.

2. The learned counsel for the petitioner would submit that there is no case that is registered. In the absence of the same, already this Court by the judgment in CrI.O.P.(MD) No.9478 of 2025 etc., has held that for current papers there is no power of summoning and therefore, the same is liable to be quashed.

3. I have heard the learned Government Advocate (Crl. Side).

4. It is submitted that one Muthusamy has given a complaint against the petitioner and therefore for the purpose of conduct of preliminary enquiry, the summons have been issued. Even then, the summons ought to have mentioned Section 173(3) of BNSS and it is erroneous to issue summons under Section 94/179 of BNSS, in the absence of case being registered. Therefore, the summons at best can be treated as summons under Section 173(3) of BNSS. If the petitioner is a proposed accused, he has every right to withhold the information from the Investigating Officer. At the same time, he has the liberty to furnish such information in his favour to the Investigating Officer also. Therefore, without quashing the summons, if the petitioner is willing to appear

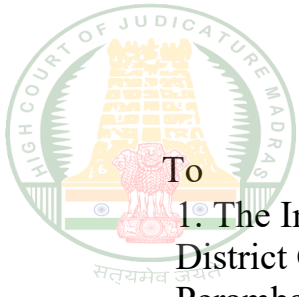


before the respondent Police, and to share any information, so that the complaint itself can be closed without even registering an FIR, the petitioner can very well participate in the preliminary enquiry. If the petitioner does not appear before the respondent, the respondent will take a decision on the basis of the available material.

5. In view thereof, if the petitioner is willing, he can appear before the respondent Police on 27.07.2026 and on the same day, the enquiry can be completed. Otherwise, the respondent shall complete the preliminary enquiry and take a decision in the manner known to law. The Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

21-07-2026

Neutral Citation: No
PVS



To

1. The Inspector of Police
District Crime Branch,
Perambalur District.

2. The Public Prosecutor,
High Court, Madras

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D.BHARATHA CHAKRAVARTHY, J.

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