



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1019 of 2025

and

WP. MP. CrI. Nos.481 & 482 of 2025

L.Arulnathan

..Petitioner(s)

Vs.

1. The Sub Divisional Executive Magistrate Cum
Sub Collector Kancheepuram
Kancheepuram District.
2. The District Superintendent of Police
Kancheepuram,
Kancheepuram District.
3. The State of Tamil Nadu
Rep by Inspector of Police,
B3, Kanchi Taluk Police Station,
Kancheepuram District.

..Respondent(s)

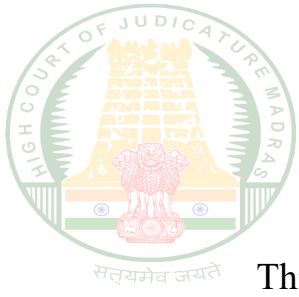
This petition filed under Article 226 of the Constitution of India, in the nature of Certiorarified Mandamus, to call for the records in Na.Ka.3985/2025/A1 dated 12.09.2025 on the file of the 1st respondent and to quash the same as wholly illegal and consequently, direct the 2nd respondent to consider the representation of the petitioner dated 16.07.2025.

For Petitioner(s):

Mr.T.M.Mano

For Respondent(s):

Mr.R.Ganesh Kumar
Govt. Advocate (CrI. Side)



ORDER

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This Writ Petition has been filed challenging the order passed by the 1st respondent in Na.Ka.No.3985/2025/A1, dated 12.09.2025, thereby the petitioner was directed to execute a bond for a sum of Rs.30,000/- with two sureties.

2.The petitioner is facing trial, in pursuant to the registration of FIR, in Crime No.1458 of 2021 for the offences punishable under Sections 147, 148, 149, 302 and 364 of IPC. Now, charge sheet has been filed and the same has been taken cognizance in S.C.No.119 of 2022 on the file of the Additional District and Sessions Court, Kancheepuram and it is pending for trial. In the said FIR, the petitioner was granted anticipatory bail in CrI.M.P.No.1066 of 2022 dated 03.08.2022.

3.While that being so, the petitioner was served with the show cause notice dated 12.09.2025 by the 1st respondent under Section 132 of BNSS, thereby the petitioner was summoned to appear before the 1st respondent on 16.09.2025 to show cause as to why his name should not be included in the history sheet. Further, he was called upon to show cause as to why he should not furnish a bond for a sum of Rs.30,000/- with two sureties.

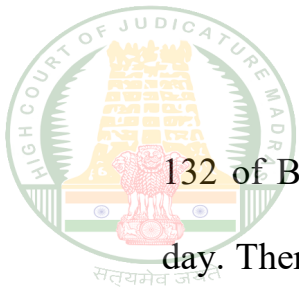


4. Further, on the very same day, without giving an opportunity, once again the 1st respondent passed an order under Section 130 of BNSS, which violates the principles of audi alteram partem that requires everyone to be heard.

5. Further, the learned counsel for the petitioner also pointed out that the show cause notice was issued in complete violation of Police Standing Order No.747 which categorically mandates that only a convict can be history-sheeted.

6. On a perusal of the status report filed by the 3rd respondent and on the submissions made by the learned Government Advocate (Crl. Side) appearing for the respondents, it revealed that the petitioner is already involved in Crime No.320 of 2026 for the offence punishable under Section 302 IPC. In pursuant to the same, the history-sheet was opened and maintained in H.S.No.3 of 2006. However, by the report on the file of the 3rd respondent, the history sheet maintained as against the petitioner was closed on 31.12.2020. After closing the history sheet, he had once again involved in the criminal case in connection with Crime No.1458 of 2021.

7. Therefore, the petitioner was issued show cause notice and was directed to execute a bond for a sum of Rs.30,000/- with two sureties. But, on a perusal of the records, the 3rd respondent opened a history sheet for the petitioner in H.S.No.51 of 2022. That apart, the show cause notice was issued under Section



132 of BNSS and order under Section 130 of BNSS was passed on the same day. Therefore, it cannot be sustained on the sole ground that the petitioner was not given an opportunity of hearing. On the one hand, the petitioner was directed to attend the enquiry and execute a bond for a sum of Rs.30,000/- and on the other hand, the final order had been passed under Section 130 of BNSS. Therefore, the order impugned in Na.Ka.3985/2025/A1 dated 12.09.2025 cannot be sustained and it is liable to be quashed and accordingly set aside.

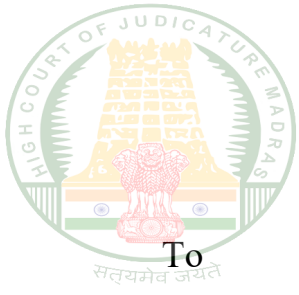
8. With the above observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

9. It is to be noted that the petitioner is facing trial before the Trial Court. The 1st respondent is at liberty to issue fresh notice, if so warranted, in accordance with law.

01-07-2026

smv

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



To

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1. The Sub Divisional Executive Magistrate Cum Sub Collector Kancheepuram
Kancheepuram District.
2. The District Superintendent of Police
Kancheepuram,
Kancheepuram District.
3. Inspector of Police,
B3, Kanchi Taluk Police Station,
Kancheepuram District.
4. The Public Prosecutor
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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