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CrI.O.P.No.31862 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No. 31862 of 2024

and

CrI.M.P.No.18149 of 2024

Anbu Rameshdevar @ Ramesh

... Petitioner

Vs.

1. The Tahsildar and Taluk Executive Magistrate,
Office of Tahsildar,
Palladam Taluk, Tiruppur District.

2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023, to call for the records of the order dated 28.11.2024 in Na.Ka.No.4393/2024/Aa2 under Section 129 of BNSS on the file of the respondent herein and set aside the same.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to set aside the order dated 28.11.2024 in Na.Ka.No.4393/2024/Aa2 under Section 129 of Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter referred to as 'BNSS'] on the file of the first respondent herein.

2. Learned Additional Public Prosecutor appearing for the respondents submitted that the second respondent/Police has served summons dated 28.11.2024 in Na.Ka.No.4393/2024/Aa2, to the petitioner calling upon him to appear for enquiry before the first respondent/Tahsildar on 05.12.2024 for initiating action against him under Section 129 of BNSS, alleging that the petitioner is continuously committing offences. The petitioner instead of appearing before the first respondent, he rushed to the Court by way of this petition challenging the order of the first respondent dated 28.11.2024.

3. On a perusal of the records, it is seen that summons was issued to the petitioner calling upon him to appear for enquiry as to why action should not be taken against him under Section 129 of BNSS. After



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receipt of summons from the respondents, it is the duty of the petitioner to appear before the respondents and give proper explanation. Calling the petitioner for enquiry cannot be considered as harassment. The second respondent/Police is directed to issue fresh summons to the petitioner and the petitioner is directed to appear before the first respondent and give explanation. After receiving the explanation from the petitioner, the respondents are directed to pass appropriate orders on merits and in accordance with law.

4. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

19.12.2024

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Tahsildar and Taluk Executive Magistrate,
Office of Tahsildar,
Palladam Taluk, Tiruppur District.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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