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Crl.O.P.No.9491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9491 of 2025

Hariharan

... Petitioner

Vs

1. The Second Class Executive Magistrate cum Revenue Tahsildar,
Sathyamangalam Taluk,
Erode District.

2. The State Rep. by Inspector of Police,
Punjaipuliayampatti Police Station,
Erode District.

... Respondents

Prayer: Criminal Original Petition filed under 528 of BNSS., 2023, to call for the entire records pursuant to the Na.Ka.No.019/2025/A3 dated 28.02.2025 on the file of the first respondent and quash the same insofar as the petitioner is concerned by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.A.Gopinath,
Govt. Advocate (Crl. Side)



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ORDER

This petition has been filed to quash the proceedings in Na.Ka.No.019/2025/A3, dated 28.02.2025, on the file of the first respondent, thereby issuing summons as contemplated under Section 129 of BNSS, and directing the petitioner to execute a bond.

2. The second respondent registered seven cases against the petitioner as follows:

“1. Crime No.207 of 2019 under Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SCT/ST Act and Sections 323, 335, 294(b) and 506(i) of IPC.

2. Crime No.674 of 2020 under Sections 143, 341, 188, 269 and 291 of IPC and Section 51(b) of the Disaster Management Act.

3. Crime No.321 of 2022 under Sections 143 and 153 of IPC.

4. Crime No.52 of 2022 under Sections 143, 188, 341 and 269 of IPC



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5. Crime No.397 of 2022 under Sections 151 of Cr.P.C.

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*6. Crime No.394 of 2024 under Sections 196, 191(2),
332(c) and 31(i) of BNS and Section 4 of TNPHW Act.*

*7. Crime No.396 of 2024 under Sections 196 and 353 of
BNS”*

3. While that being so, at the instance of the second respondent, the first respondent initiated proceedings under Section 129 of the BNSS and directed the petitioner to execute a bond. The only ground raised by the petitioner is that the petitioner was not issued any show cause notice, as contemplated under Section 130 of BNSS.

4. On a perusal of the records, it reveals that there is no reference to show that the petitioner was not served with any show cause notice under Section 130 of BNSS. On the sole ground, the summons issued by the first respondent cannot be sustained, and it is liable to be quashed.



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5. In view of the above, the impugned proceeding dated 28.02.2025 is hereby quashed. The first respondent is at liberty to issue a show cause notice, as contemplated under Section 130 of BNSS, and proceed in accordance with law and pass orders under Section 129 of BNSS as against the petitioner as expeditiously as possible.

6. In the result, this Criminal Original Petition is allowed.

01.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

kv

To

1. The Second Class Executive Magistrate cum Revenue Tahsildar,
Sathyamangalam Taluk,
Erode District.
2. The State Rep. by Inspector of Police,
Punjaipuliayampatti Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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