



Crl.O.P.No.11645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

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

Crl.O.P.No.11645 of 2025
and Crl.M.P.No.7763 of 2025

K.R.Shanmuga Sundaram

... Petitioner

Vs

1. Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Salem.

2. The Inspector of Police,
Salem Town Police Station,
Salem.

3. Rajkumar
4. Manjula Devi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to call for the records of impugned notice in Na.Ka.No.1237/2025/A2 (BNSS Act-164) dated 11.04.2025 on the file of first respondent and quash the same.

For Petitioner : Mr.S.Karthikeyan
for Mr.K.Thenrajan

For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl.side)



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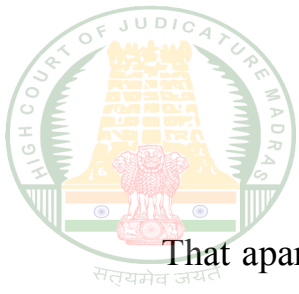
ORDER

This Criminal Original Petition has been filed to quash the impugned notice in Na.Ka.No.1237/2025/A2 (BNSS Act-164) dated 11.04.2025 on the file of first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first and second respondents and perused the materials placed on record.

3. The learned counsel for the petitioner would submit that already on the complaint lodged by the petitioner, the second respondent registered FIR as against the respondents 3 and 4 herein. On the counter complaint lodged by the third respondent, now the second respondent referred the same before the first respondent. When the civil suit is pending between the parties, the first respondent cannot initiate proceedings under Section 164 of BNSS, 2023. In support of his contention, he relied upon several Judgments of this Court.

4. A perusal of records revealed that it is only a summon issued by the first respondent to initiate proceedings under Section 164 of BNSS, 2023.



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That apart, the petitioner was called upon to appear before the first respondent on 17.04.2025. Now, the time has been expired.

5. Without even knowing the complaint and the proceedings initiated under Section 164 of BNSS, 2023, this Court cannot come to the conclusion that it is a civil dispute. If the petitioner appears before the authority concerned and receives a copy of the complaint, then the facts may come to light.

6. In view of the above, this Court is not inclined to quash the notice in Na.Ka.No.1237/2025/A2 (BNSS Act-164) dated 11.04.2025 passed by the first respondent. However, the petitioner is at liberty to put forth all the explanation along with relevant Judgments passed by this Court including those which lay down that when the civil dispute is pending, proceedings under Section 164 of BNSS, 2023 cannot be initiated. On receipt of such explanation and supporting documents, the first respondent is directed to consider the same and dispose of on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous petition is closed.

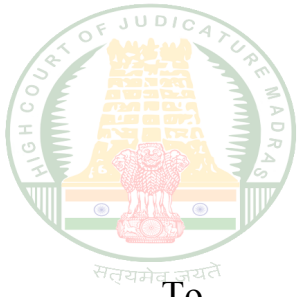
21.04.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

mn



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To
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1. The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Salem.
2. The Inspector of Police,
Salem Town Police Station,
Salem.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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