



Crl.O.P.No.13157 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13157 of 2025
and Crl.M.P.Nos.8722 and 8723 of 2025

Suneeta Reddy

... Petitioner

Vs

The State of Tamil Nadu Rep by,
Drugs Inspector,
Kallakurichi Range,
O/o.Drugs Inspector,
No.4, Arun Nagar, Sellankuppam,
Cuddalore-607 003.

... Respondent

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 relating to the Criminal complaint dated 25.03.2021 pending in (as per ecourts entry Crl.M.P.4657/2024) (as per the notice CMP No.4657/2024) CMP No.4657/2024 on the file of the court of the Learned Judicial Magistrate No.1, Kallakurichi and to quash the same.

For Petitioner	: Mr.Vijay Narayan Senior Counsel for Mr.Maimoona Badsha
For Respondent	: Mr.A.Gopinath Government Advocate (Crl.side)



Crl.O.P.No.13157 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed challenging the impugned notice dated 25.03.2021 (as per ecourts entry Crl.M.P.4657 of 2024) (as per the impugned notice in CMP No.4657 of 2024) CMP No.4657/2024 pending on the file of the Court of the Learned Judicial Magistrate No.1, Kallakurichi and to quash the same.

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

3. It is seen that the respondent filed a complaint and the same is pending for taking cognizance. Therefore, this Court cannot entertain this petition to quash the entire complaint, since the proviso of Section 223 of BNS, 2023 is very clear that the petitioner will be given opportunity of hearing before taking cognizance.

4. In view of the above, the Trial Court is directed to issue notice to the petitioner before taking cognizance. The petitioner is at liberty to raise all the grounds before the Trial Court.



Crl.O.P.No.13157 of 2025

WEB COPY

5. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous petitions are closed.

29.04.2025
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.13157 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Judicial Magistrate No.1, Kallakurichi.
2. The Drugs Inspector,
Kallakurichi Range,
O/o.Drugs Inspector,
No.4, Arun Nagar, Sellankuppam,
Cuddalore-607 003.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13157 of 2025

29.04.2025