



Crl.O.P.No.22035 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 06.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.22035 of 2025
and
Crl.M.P.No.15097 of 2025

1. SUDHA @ SHANMUGAPRIYA
2. P.P.SREEDHAR
3. T.P.S.MOHAN KUMAR
4. ANANDHA MURTHY
5. PALANISAMY

... Petitioners

Vs.

1. SUB DIVISIONAL MAGISTRATE/REVENUE DIVISIONAL OFFICER,
GOBICHETTIPALAYAM,
ERODE DISTRICT.
2. THE STATE BY
INSPECTOR OF POLICE
BHAVANI POLICE STATION,
ERODE DISTRICT.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C. and Section 528 of BNSS, to call for the records pertaining to the Na.Ka.No.3949/2024/A2 dated 26.07.2025 on the file of the first respondent and quash the same.

For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



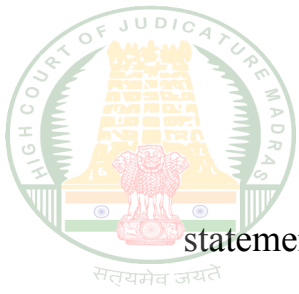
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ORDER

WEB COPY This Criminal Original Petition is filed to call for the records relating to the impugned order dated 26.07.2025, whereby the petitioners were directed to appear before the first respondent and to execute a bond for a sum of Rs.1,00,000/- to maintain peace and tranquility under Section 135 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. The learned counsel appearing on behalf of the petitioners would submit that the procedure is categorically laid down under Section 135 of the BNSS. If the petitioners appears and chooses to contest the proceedings, the respondents have to conduct the matter further as if it were a summons case, and only after ascertaining the truth of the information, a further order can be passed. He would further submit that, pursuant to the impugned order, the petitioners appeared before the first respondent and filed a detailed counter statement. However, without proceeding to record any evidence in the subsequent hearings, the first respondent is continuously insisting that the petitioners to execute the bond.

3. The learned Government Advocate (Criminal Side) appearing for the respondents submits that, since the petitioners have now filed the counter



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statement, the truth or otherwise of the allegations will be enquired into in the manner known to law.

4. Upon considering the submissions made by the learned Government Advocate (Criminal Side), even though the original order directs the person to appear before the first respondent and execute a bond for Rs.1,00,000/- it should be construed as a direction to either execute the bond or to show cause why the bond need not be executed. As a matter of fact, the petitioners have appeared and shown cause by filing a counter affidavit. Therefore, the first respondent is now required to follow the procedure laid down under Section 135 of the BNSS. The petitioners are also entitled to lead evidence, including filing documents relating to the civil suit, etc., and only after following due procedure, final orders have to be passed by the first respondent.

5. With the above observations and directions, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

06.08.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

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GOBICHETTIPALAYAM,
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2. THE STATE BY
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BHAVANI POLICE STATION,
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