



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26299 of 2025

and

CRL MP NO.17897 OF 2025

1. JANAKIRAMAN

S/o.Annamalai,

No.350, Pudhu Uppalvadi street,

Manjakuppam, Cuddalore,

Tamil Nadu - 607 001.

Petitioner

Vs

1. The State Rep. by

The Inspector of Police,

District Crime Branch-I, Cuddalore,

Cuddalore District.

Respondent

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS to call for the records of the summon issued by the respondent police vide summon in C.No.338/DCB/2025 pending on the file of respondent police and quash the same.



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CRL OP No. 26299 of 2025



For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records of the summon issued by the respondent police vide summon in C.No.338/DCB/2025 pending on the file of respondent police and to quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. The petitioner has challenged the summon on the ground that as no crime was registered by the respondent-Police, they have no jurisdiction to issue summon under Sections 179 and 94 of BNSS, compelling the petitioner to appear before the respondent-Police.



4. In support of his contention, the learned counsel for the petitioner, placed reliance upon the judgement of this Court in Mr.Mohammed Rafi Vs.

State decided on 04.06.2019 in Crl.O.P.No.10929 of 2019.

5. Section 179 of BNSS grants a police officer, the power to issue a written order for the attendant of any person within their jurisdiction or an adjoining station who is acquainted with the facts of a case during an investigation.

6. If any complaint has been given and if any enquiry is required, the proper way is to issue notice under Section 35(3) of BNSS. Admittedly, in this case, no crime has been registered by the respondent-Police. In such view of the matter, the impugned summon issued by the respondent police vide summon in C.No.338/DCB/2025 pending on the file of respondent police is hereby quashed. However, liberty is given to the respondent-Police to issue notice under Section 35(3) of BNSS to the petitioner for appearance of the petitioner. If such notice is issued by the respondent-Police, the petitioner has to cooperate



with the respondent-Police for completion of investigation/enquiry, as the case may be and produce relevant documents as sought for by the respondent-Police.

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7. With the above direction, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

25-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The State Rep. by the Inspector of
Police,
District Crime Branch-I, Cuddalore,
Cuddalore District.

2. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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