



Crl.O.P.(MD)No.3395 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3395 of 2025

and

Crl.M.P(MD) No.2340 of 2025

1. R.Radhakrishnan
2. A.Shanmugam @ Shanmugampillai
3. G.Ramakrishnan @ Ramasamy
4. Mukeshkannan

.. Petitioners

Vs.

1. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Thoothukudi District

2. The Inspector of Police
Pudukottai Police Station
Thoothukudi District

- 3.Subash

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the impugned 94 BNSS summon dated
Nil in Crime No.354 of 2024 on the file of the second respondent and
quash the same as illegal.



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For Petitioners : Mr.A. Naresh Prabu
For Respondents : Mr.M.Vaikkam Karunanithi
No.1 and 2 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned 94 BNSS summon dated Nil in Crime No.354 of 2024 on the file of the second respondent.

2. The learned counsel appearing for the petitioners would submit that these petitioners are accused in Crime No. 354 of 2024 on the file of the first respondent police for the offences under Sections 126(2), 296(b), 115(2), 131, 303(2), 3(5) of BNS and Sections 3(1)(r), 3(1)(s) (3(2)(va) of SC/ST(PoA) Act, 1989. While so, the first respondent issued summons to appear on 19.02.2024 along with two wheeler which are not all involved in this case and to appear before the first respondent on 19.02.2024 at 10.00 am., before the second respondent. Summons was issued under Section 94 of BNSS and Section 94 of BNSS is not applicable to the accused. However without considering the same summons under Section 94 of BNSS was issued. Therefore the same is liable to be quashed.



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3. The learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 would submit that for investigation purpose they issued summons and in this case four vehicles involved and thereby they issued summons to the accused to appear along with the vehicle, but they did not appear.

4. This Court considering the limit scope of the prayer sought for in the petition without issuing notice to the third respondent this Court is inclined to dispose of the petition.

5.This Court perused the materials available on record. The summons is for particular date on 19.02.2024 and both the parties admitted that in the order the year was wrongly mentioned as 2024 instead of 2025, however the said date is lapsed. Therefore nothing survives for further adjudication. It is needless to mention that if the appearance of the petitioner is required for the purpose of investigation it is for the first respondent to take appropriate steps in the manner known to law. Nd the respondent police shall also conduct fair investigation in accordance with law.



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6. With the above observation, the Criminal Original Petition stands closed. Consequently connected miscellaneous petition stands closed.

24.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Thoothukudi District
2. The Inspector of Police
Pudukottai Police Station
Thoothukudi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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