

CrI.OP(MD)No.6361 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)No.6361 of 2025

and

CrI.MP(MD)No.4620 of 2025

S.Senthilkumar

: Petitioner

Vs.

The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
Cr.No.86 of 2025

: Respondent

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records pertaining to the summon dated 26.03.2025 issued u/s.179(1) & 94(1) BNSS by the Inspector of Police, Vedasandur, Dindigul District and quash the same.

For Petitioner : Mr.P.Santhosh Kumar

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (CrI. Side)



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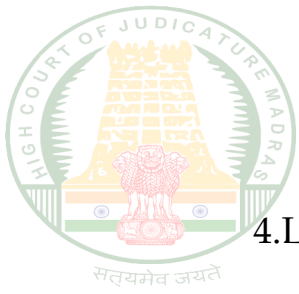
ORDER

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The petitioner has filed this Criminal Original Petition seeking to quash the summons dated 26.03.2025 issued under Sections 179(1) and 94(1) BNSS by the respondent police.

2.The petitioner is arrayed as an accused in Crime No.86 of 2025, registered for the offences under Sections 191(2), 126(2), 196(2) and 132 BNS on the allegation that he had conducted a road-roko preventing free passage of the public. The FIR was registered on 07.03.2025 based on the complaint of the Sub-Inspector of Police.

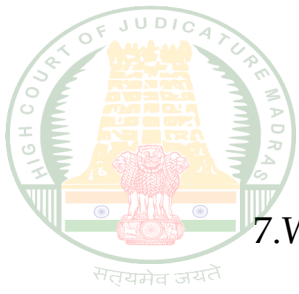
3.The grievance of the petitioner is that the impugned summons dated 26.03.2025, requiring production of his vehicle bearing Registration No. TN-39-CS-7989, has been issued after 19 days from the registration of FIR, though no reference to his vehicle is found in the FIR. According to the petitioner, the issuance of such summons is nothing but an act of harassment.



4.Learned Government Advocate (Crl. Side) appearing for the respondent would submit that, based on further statements recorded from the defacto complainant, the involvement of the petitioner's car was revealed. It is stated that the car was used to transport participants to the place of occurrence for the road-roko. Out of four vehicles allegedly used, three have been seized and the petitioner's vehicle alone remains unproduced.

5.Having considered the rival submissions made on either side and perused the materials placed on record, this Court is of the view that the impugned summon cannot be sustained legally, for more than one reasons.

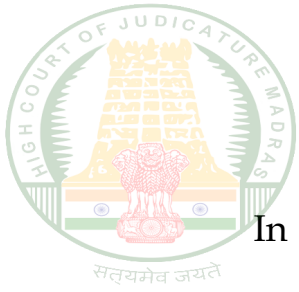
6.The FIR admittedly makes no reference to the petitioner's vehicle, though the complaint was lodged by a Sub Inspector of Police. Even assuming that the car was used for the purpose of reaching the place of protest, the same by itself cannot furnish a legal basis to summon the vehicle under the provisions cited.



7.While road-roko constitutes an unlawful obstruction of public passage, the offence has already been registered. The subsequent issuance of summons for production of the vehicle, not mentioned in the FIR, is unwarranted.

8.Section 179(1) BNSS empowers the police to require attendance of persons acquainted with facts and circumstances of the case. It does not extend to calling for production of vehicles. Similarly, Section 94(1) BNSS authorises the officer in charge to require production of any document, electronic record, communication device or other thing containing digital evidence necessary for investigation. A motor vehicle does not fall within the scope of this provision.

9.The Sanhita / Code contains separate provisions enabling seizure or confiscation of articles or vehicles used in the commission of an offence. The machinery of summons cannot be misused to achieve what should otherwise be done under seizure provisions.



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In view of the above discussion, this Court finds that the impugned summons is legally unsustainable. Accordingly, the Criminal Original Petition is allowed and the impugned summons dated 26.03.2025 is quashed. Consequently, the connected miscellaneous petition is closed.

Internet : Yes
gk

01.07.2025

To

- 1.The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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