



W.P(MD)No.11231 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.11231 of 2025
and WMP(MD) No.8373 of 2025

R.Sangaiah

... Petitioner

Vs

1. The Commissioner of Police,
Madurai City, Alagarkovil Road, Madurai 2.

2. The Inspector of Police,
Central Crime Branch - III
Madurai City, O/o the Commissioner of Police
3rd Floor, Room No.48,
Alagarkovil Road, Madurai 2.

3. The Sub Inspector of Police,
Central Crime Branch III
Madurai City, O/o the Commissioner of Police
3rd Floor , Room No. 48
Alagarkovil Road, Madurai 2.

4. T.Maheswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any appropriate writ or order or direction in the nature of writ of certiorari calling for the entire records relating to the impugned summons issued by the 3rd respondent dated.14.04.2025 under sections 94 and 179 of Bharatiya Nagarik Suraksha (BNSS) , 2023 and to quash the same.



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For Petitioner : Mr.C.Jeya Prakash
For Respondents : Mr.R.M.Anbunithi (R1-R3)
Additional Public Prosecutor
Mr.P.Shanmugam (R4)

ORDER

This Writ Petition has been filed to challenge the impugned summons issued by the 3rd respondent dated 14.04.2025 under sections 94 and 179 of Bharatiya Nagarik Suraksha (BNSS), 2023.

2.According to the petitioner, the third respondent has issued summons to the petitioner without enclosing the complaint copy and the third respondent ought to have issued summons under Section 35(3) of BNSS, but the summons has been issued under sections 94 and 179 of BNSS. Therefore, the summons issued by the third respondent is liable to be quashed.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complaint lodged by the fourth respondent, the third respondent has issued summons for the purpose of enquiry. Therefore, there is no irregularity even in wrong quoting of provision. Hence, the petition is liable to be dismissed.



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4.The learned counsel for the fourth respondent would submit that he has lodged a complaint against the petitioner. Thereby, the third respondent has issued summons to the petitioner. Therefore, the petitioner has to appear for the enquiry.

5.Heard the learned counsel appearing on both sides and perused the materials available on records.

6.The grievance of the petitioner is that the third respondent has issued summons to the petitioner without enclosing the copy of the complaint and the summons ought to be issued under section 35(3) of BNSS instead of sections 94 and 179 of BNSS. Therefore, issuance of summons is liable to be quashed. He has also relied on the decisions of this Court in

- ***V.N. Pachaimuthu Vs The Superintendent of Police and others*** reported in ***2012(3) CTC 291***,
- ***Prakash Transports Vs Inspector of Police, CCB, Salem*** reported in ***2004(1) CTC 130*** and
- ***V.T Lazar and one other Vs Inspector of Police in Crl.O.P No. 14796 of 2022.***



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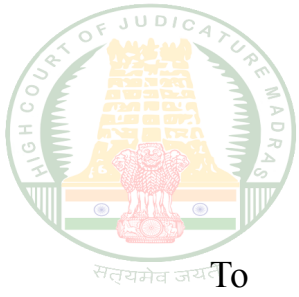
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7. On a careful perusal of the records, the aforesaid decisions will not be applicable to the facts of the present case. In this case, before registering the case, the respondent police decided to enquire about the facts. To that effect, they have issued summons to the petitioner. It shows that based on the complaint lodged by the fourth respondent, they have called the petitioner for an enquiry and in that regard, they have issued summons. Mere quoting of wrong provision is in no way affect the purpose of summons and it need not be quashed on this ground. Therefore, it is for the petitioner to appear for an enquiry and produce the relevant records before the third respondent and thereafter, the third respondent shall conduct an enquiry in accordance with law.

8. With the above observations, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

22.04.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
PNM



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To

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1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Pudur Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

PNM

ORDER IN
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