



Crl.O.P.(MD)No.11034 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11034 of 2025
and Crl.M.P.(MD)No.8272 of 2025

Nalla Ibrahim

... Petitioner

versus

1. The Second Class Executive Magistrate
and Thasildhar,
O/o. Second Class Executive Magistrate
and Thasildhar,
Keelakarai,
Ramanathapuram District.

2. The Sub Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to
call for the records pertaining to the summon in M.C.No.21 of 2025 dated
10.06.2025 on the file of the respondent No.1 and quash the same as illegal.

For Petitioners : Mr.SMA.Jinnah

For Respondents : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner has been issued with a summon dated 10.06.2025 under Section 129 BNSS, in M.C.No.21 of 2025, on the file of the first respondent/Second Class Executive Magistrate and Thasildhar, Keelakarai, Ramanathapuram District. The said proceedings was initiated by the Thasildhar, based on the report of the Keelakarai Police Station.

2. The learned counsel appearing for the petitioner submits that without any basic materials, the first respondent/Second Class Executive Magistrate has mechanically acted upon the report of the Keelakarai Police Station and issued the impugned notice dated 10.06.2025 under Section 129 BNSS. Therefore, the learned counsel seeks interference of this Court and to quash the impugned summon dated 10.06.2025.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is involved in the following cases:

- i. Crime No.29/2025 – u/s. 126(2), 132, 189(2), 263, 296(b), 351(3) of BNS.
- ii. Crime No.148/2019 – u/s.20(b)(ii)(B) and 8(c) of NDPS Act.
- iii. Crime No.181/2017 – u/s. 110(e) Cr.P.C.



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- iv. Crime No.144/2013 – u/s. 20(b)(ii)(C) of NDPS Act
- v. Crime No.56/2013 – u/s. 20(b)(ii)(A) and 8(c) of NDPS Act
- vi. Crime No.160/2012 – u/s. 20(a)(i) of NDPS Act
- vii. Crime No.140/2012 – u/s. 110(e) Cr.P.C.

Apart from that, the respondent Police has received an information that the petitioner is likely to be involved in further offence. Therefore, they made a request to invoke the proceedings under Section 129(e) of BNSS.

4. This Court considered the rival submissions made.

5. Admittedly, the petitioner is involved in the above seven cases.

This impugned notice has been issued only under Section 129(e) of BNSS.

Section 129(e) of BNSS reads as under:

“129(e) habitually commits, or attempts to commit, or abets the commission of, offences, involving a breach of the peace, then, the Magistrate may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bail bond, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit.”



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6. The impugned notice is only in the form of show cause notice.

Therefore, this Court is not inclined to interfere with the same at this stage.

The petitioner is entitled to offer his explanations before the Executive Magistrate that he is not likely to be involved in any offence. In the event, if any order is passed, then, the petitioner is at liberty to challenge the same in the manner known to law.

7. Accordingly, this Criminal Original Petition is closed.

Consequently, connected miscellaneous petition is closed.

01.07.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Second Class Executive Magistrate and Thasildhar,
O/o. Second Class Executive Magistrate and Thasildhar,
Keelakarai,
Ramanathapuram District.
2. The Sub Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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