



CRL OP(MD). No.17289 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 14/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17289 of 2025
and
CrI.M.P(MD) No.14064 of 2025

K.Nagarajan

... Petitioner

Vs

1. The State of Tamil Nadu, Rep,
Resented by the Inspector of Police,,
District Crime Branch,
Madurai District,
Madurai.

2. Devika

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to unnumbered summons dated 13.09.2025, pending on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.M.Musthafakhan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side)



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ORDER

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The petitioner seeks to quash of the impugned summon dated 13.09.2025, purported to have been issued under Sections 94 and 35(3) of BNSS.

2.The learned counsel for the petitioner would submit that since no investigation is pending under Chapter XII of Cr.P.C., (Corresponding to Section XIII of BNSS), the impugned summon issued under Sections 94 and 35(3) of BNSS cannot be sustained.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that an enquiry is pending pursuant to the direction issued by the learned Judicial Magistrate No.I, Madurai, in Cr.M.P.No.340 of 2025 to ascertain whether any cognizable offence has been made out.

4.Though the respondent may not be justified in invoking Sections 94 and 35(3) of BNSS, since they are conducting enquiry in pursuant to the direction of the learned Magistrate, the petitioner may appear before



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the respondent police on 25.10.2025. The respondent shall conclude the enquiry within a period of two weeks from 25.10.2025 and communicate the result of the enquiry to the petitioner.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

14.10.2025

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

1. The Inspector of Police,,
District Crime Branch,
Madurai District,
Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
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