



Crl.O.P.(MD)Nos.16262 and 16396 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).Nos.16262 and 16396 of 2025

and

Crl.M.P.(MD).Nos.13276 and 13372 of 2025

Crl.O.P.(MD).No.16262 of 2025

S.Gowtham

... Petitioner/Accused No.2

Vs.

1.The State of Tamil Nadu, rep. by,
The Sub Inspector of Police,
C-3, S.S.Colony (L and O) Police Station,
Madurai City.
(Crime No.713/2024).

... 1st Respondent/Complainant

2.Senthil

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the summon dated 14.09.2025 issued by the 1st respondent and to quash the same.

Crl.O.P.(MD).No.16396 of 2025

P.Subramani @ Subramanian

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu, rep. by,
The Sub Inspector of Police,
C-3, S.S.Colony (L and O) Police Station,
Madurai City.
(Crime No.713/2024).

... 1st Respondent/Complainant



Crl.O.P.(MD)Nos.16262 and 16396 of 2025

2.Senthil

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the summon dated 14.09.2025 issued by the 1st respondent and to quash the same.

For Petitioner : Mr.N.Pragalathan
For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R-2 : Mr.B.Brijesh Kishore
(in both cases)

COMMON ORDER

The petitioners seek to quash the impugned notices issued under Section 35(3) of BNSS.

2. Admittedly, the petitioners are accused in Crime No.713 of 2024. According to the learned counsel for the petitioners, the petitioners ought not to have been called for enquiry under Section 35(3) of BNSS since the petitioners were already arrested and released on bail and that invoking Section 35(3) of BNSS is misconceived.

3. Heard the learned Government Advocate for the first respondent and the learned counsel for the second respondent.



Crl.O.P.(MD)Nos.16262 and 16396 of 2025

4. Though the first respondent has quoted a wrong provision of law, admittedly, they are conducting investigation in Crime No.713 of 2024 and therefore, they are entitled to call the petitioner for enquiry. The power to call any person, who appears to be acquainted with the facts of the case, for enquiry is traceable to Section 160 of Cr.P.C (equivalent to 179 of BNSS) and therefore, this Court finds no reason to interfere with the impugned notices.

5. Accordingly, the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

25.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Sub Inspector of Police,
C-3, S.S.Colony (L and O) Police Station,
Madurai City.

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



WEB COPY



Crl.O.P.(MD)Nos.16262 and 16396 of 2025

SUNDER MOHAN, J.

Lm

Crl.O.P(MD).Nos.16262 and 16396 of 2025

25.09.2025