



Crl.O.P.(MD)No.17533 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17533 of 2025

and

Crl.M.P.(MD) No.13853 of 2025

Bharathi Sundar

... Petitioner

-Vs-

1.The State of Tamil Nadu Rep. by
the Sub Divisional Magistrate
cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The InSpector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., To call for records relating to the summon in impugned summon in A3/MC-22/25/TNPHW(7-C) issued by the 1st respondent, dated 09.09.2025 and quash the same.

For Petitioner : Mr.R.Mani Anandh

For R1 : Mr.A.Oli Raja
Government Advocate (Civil)

For R2 : Mr.K.Sanjai Gandhi
Government Advocate



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ORDER

WEB COPY This petition has been filed to quash the impugned summon in A3/MC-22/25/TNPHW(7-C) issued under Section 129 of BNSS, 2023, by the 1st respondent, dated 09.09.2025.

2. The impugned notice issued to the petitioner stated that the petitioner is involved in Crime No.159 of 2025 for the offences punishable under Sections 206(b), 78, 351(2) of BNS, 2023 and Section 4 of NPHW Act, 2002; and that he was called for an enquiry to show cause “as to why he should not be directed to execute a bond in terms of Section 129 BNSS”.

3. The learned counsel for the petitioner would submit that the impugned notice cannot be sustained as the petitioner would not fall within any of the clauses in Section 129 of BNSS as he is not an habitual offender; and that therefore, it is liable to be quashed.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is involved in three other cases and furnished the list of the cases.

5. Admittedly, the impugned notice does not refer to all the cases



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registered against the petitioner. There is only one case in Crime No.159 of 2025 said to have been pending against the petitioner. Section 129 of BNSS cannot be invoked unless it is shown that the recipient falls within any one of the clauses mentioned in Section 129 of BNSS. Merely because there is one case registered against the petitioner, it cannot be stated that he is in the habit of committing offences. Therefore, the impugned notice, dated 09.09.2025, is quashed. However, the respondents are at liberty to issue a fresh notice to the petitioner, if they are able to show that the petitioner falls within any of the clauses mentioned in Section 129 of BNSS.

6. With the above liberty, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

25.10.2025

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

Indu

To

1.The Sub Divisional Magistrate
Cum Sub Collector,

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Cheranmahadevi,
Tirunelveli District.

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- 2.The InSpector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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