



Crl.O.P.(MD) No.18435 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18435 of 2025

and

Crl.M.P.(MD) Nos.15181 & 15182 of 2025

Mohamed Mydeen

... Petitioner

Vs.

1.The Second Class Executive Magistrate
cum Tashildar,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the entire records of the proceedings initiated by the first respondent in M.C.No.A3/186/4767/2025 dated 30.09.2025 and quash the same proceedings as against the petitioner.

For Petitioner : Mr.B.Arun

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the impugned notice dated 30.09.2025 issued under Section 129 of the BNSS, calling upon the petitioner to appear before the first respondent on 09.10.2025 at about 10.00 a.m. to show cause as to why he should not be directed to execute a bond.

2. The learned counsel for the petitioner would submit that the petitioner is not a habitual offender; and that in the impugned notice, there is no reference to any previous case against the petitioner, and therefore, Section 129 of the BNSS cannot be invoked.

3. The learned Government Advocate (Criminal Side) for the respondents, per contra, would submit that there are seven previous cases against the petitioner and that the petitioner is a habitual offender.

4. Though it is stated by the learned Government Advocate (Criminal Side) that there are seven cases against the petitioner, there is no reference to any of those cases in the impugned notice. The impugned notice must reflect the satisfaction of the respondent as to how the



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petitioner would fall under any of the clauses of Section 129 of the BNSS.

Since the impugned notice lacks particulars, it is liable to be quashed.

However, the respondents are at liberty to issue a fresh summons to the petitioner in accordance with law, by mentioning the details of the cases against the petitioner and specifying under which clause of Section 129 of the BNSS he would fall.

5. With the above observations, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed.

28.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Second Class Executive Magistrate cum Tashildar,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN

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