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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19623 of 2025
and
CRL.MP(MD). No.16427 of 2025

Vimal Chinnappan ... Petitioner

-Vs-

1.The State of Tamil Nadu Rep.
by the Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

2.State of Tamilnadu Rep by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District. ... Respondent Nos.1 & 2

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the notice issued by the 1st respondent in C.No. 101/kaa.thu.ka/Thiruvi/2025, dated 26.10.2025 and quash the same as illegal.

For Petitioner :Mr.R.Karunanidhi,
Advocate

For Respondents :Mr.K.Sanjai Gandhi
Government Advocate

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ORDER

This petition has been filed to quash the impugned notice issued by the 1st respondent under Section 35(3) of BNS, 2023, in C.No. 101/kaa.thu.ka/Thiruvi/2025, dated 26.10.2025.

2. In the said notice, it is stated that during the course of investigation in Crime No.527 of 2023, registered for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (PoA) Act, 1989, the second respondent came across an article published by the petitioner in a journal containing allegedly defamatory statements against the Police, and therefore, certain questions were forwarded to the petitioner along with notice seeking his explanation.

3. The learned counsel for the petitioner would submit that in the impugned notice does not disclose, in which case, the petitioner is sought to be summoned as the investigation in Crime No.527 of 2023 has already been completed and a final report has also been filed; that the only allegation against the petitioner is that he had made defamatory statements against the Police; that for making defamatory statements against the Police, the proper remedy is to file a private complaint; and that even if any cognizable offence is made out as

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against the petitioner, the respondents should have first registered a case and thereafter summoned the petitioner.

4. The learned Government Advocate fairly would submit that the investigation in Crime No.527 of 2023 has been completed and the final report has also been taken cognizance in Spl.S.C.No.28 of 2025 on the file of the Special Court of SC/ST Act Cases, Virudhunagar; and that no separate case has been registered against the petitioner for the defamatory statements made against the Police.

5. It is seen from the notice sent by the second respondent that he has sought responses to about twelve questions from the petitioner, primarily relating to the publication of an article containing defamatory allegations against the Police. Admittedly, the notice has not been issued in connection with Crime No.527 of 2023, as the investigation therein has already been concluded. If the petitioner was required for enquiry in any other case, the respondents ought to have referred to the crime number of such case. Admittedly, no other case has been registered against the petitioner.

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6. That apart, Section 35(1)(b) of the BNSS only specifies the circumstances under which a Police Officer may arrest a person without a warrant and does not empower the respondents to summon or question the petitioner in the absence of any case registered against him. Therefore, this Court is inclined to quash the impugned notice. However, it is needless to state that if any case is registered against the petitioner and his presence is required for enquiry in such case, this order shall not stand in the way of the respondents proceeding in accordance with law.

7. With the above observations, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

10.11.2025

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

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To

1.The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

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

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SUNDER MOHAN, J.

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Crl.O.P(MD).No.19623 of 2025

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