



Crl.O.P.(MD) No.20532 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.20532 of 2025

and

Crl.M.P.(MD) No.17421 of 2025

Manikandan

... Petitioner

Vs.

1.The II Class Executive Magistrate
cum Thasildar,
Ramanathapuram,
Ramanathapuram District.

2.The State of Tamil Nadu rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to set aside the summons in M.C.No.(A3)/178/4644/25 of 2025 passed by the first respondent dated 30.09.2025.

For Petitioner : Mr.D.Balamurugapandi

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



Crl.O.P.(MD) No.20532 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed seeking to set aside 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 10.10.2025 at about 04.00 p.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 case against the petitioner, and therefore, Section 129 of the BNSS cannot be invoked.

3. The learned Government Advocate (Criminal Side) for the respondents would confirm that there is no reference to any case against the petitioner in the impugned show cause notice.

4. The impugned show cause notice must reflect the satisfaction of the first respondent as to how the petitioner would fall under any of the clauses of Section 129 of the BNSS. Since the impugned show cause notice lacks particulars, it is liable to be quashed. However, the



Crl.O.P.(MD) No.20532 of 2025

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 allowed. Consequently, the connected Miscellaneous Petition is closed.

18.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

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



WEB COPY



Crl.O.P.(MD) No.20532 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.20532 of 2025

18.11.2025