



Crl.OP(MD)No.1298 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.1298 of 2026

Grinivasa Prasad

... Petitioner

Vs.

State of Tamil Nadu,
rep. by its Additional Superintendent of Police,
Cyber Crime Wing,
Kanyakumari District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the summon issued by the respondent dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025 and quash the same.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records pertaining to the summon issued by the



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respondent dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025 and to quash the same.

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2. The *lis* presented before this Court lies in a narrow compass, yet it raises an issue of considerable significance touching upon the independence of the legal profession and the permissible limits of police enquiry. The petitioner, who is an Advocate by profession, challenges the propriety and legality of the respondent summoning him for enquiry solely on the ground that he had issued a legal notice under Section 80 of the Code of Civil Procedure, 1908, on behalf of his client.

3. The essential question that falls for consideration is whether a counsel, who has merely discharged his professional duty by issuing a statutory legal notice on behalf of his client, can be compelled to appear before the police for enquiry with reference to the contents of such notice, in the absence of any complaint or criminal case against him.



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Case of the Prosecution / Respondent:

4. The case projected by the petitioner is that he has been practising as an Advocate for the past 22 years at Nagercoil and before various Courts in Kanyakumari District.

5. According to the petitioner, on behalf of his client, namely one P.M.Chenthil Kumar, son of Muthiayan, he caused a legal notice dated 15.05.2024 to be issued under Section 80 of the Code of Civil Procedure, 1908, to the Chief Secretary, Chennai and seven police officials.

6. In the said legal notice, based on the instructions furnished by his client, it was stated that the said P.M.Chenthil Kumar was working as a Pharmacist in the Government Ayurvedha Medical College. It was further alleged therein that on 24.10.2023, at about 7.30 p.m., while he was present in the hospital, the Sub-Inspector of Police, one Saravana Kumar, attached to Nesamani Nagar Police Station, along with seven other police personnel, called him to the police station for enquiry.



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7. It was further averred in the legal notice that the petitioner's client had expressed his inability to accompany the police personnel without obtaining prior permission from the Principal of the College, since he was then on duty. According to the notice, despite such explanation, the police personnel forcibly took him to the police station, kept him in illegal custody from 7.35 a.m. till 9.30 p.m., subjected him to torture, insult and irrelevant questioning in relation to an online complaint allegedly made by one Indira, and did not permit him to urinate or provide him with water or food.

8. The legal notice also contained an allegation that the above events were captured in the CCTV footage installed at the Government Ayurvedha Medical College Hospital. It was further stated therein that the petitioner's client had subsequently instituted a civil suit in O.S.No.394 of 2024 on the file of the learned Principal Sub Court, Nagercoil, seeking compensation of Rs.50,00,000/- against the police officials concerned, including the present respondent, and that the said suit is pending adjudication.



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9. The petitioner would further state that in the above factual backdrop, the respondent caused a summon dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025, directing the petitioner to appear before him on 10.12.2025 at 11.00 a.m. The tenor of the summon, according to the petitioner, makes it clear that since the petitioner had issued the notice under Section 80 CPC to the Director General of Police and other officials, the respondent intended to enquire him.

10. It is the further stand of the respondent, as placed through the learned Government Advocate (Crl. Side), that the legal notice issued by the petitioner had been forwarded from the office of the Deputy Superintendent of Police to the respondent and, in that connection, the petitioner was required to appear before the respondent police for enquiry.

Grounds for Quash:

11. The petitioner challenges the impugned summon on several grounds.



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11.1. Firstly, it is contended that the issuance of summon by the respondent to the petitioner is wholly illegal, arbitrary and beyond jurisdiction.

11.2. Secondly, the petitioner would submit that he is an Advocate, and that he had merely issued a legal notice under Section 80 CPC on behalf of his client in discharge of his professional engagement. For such professional act, the respondent police has no authority to summon him for enquiry.

11.3. Thirdly, it is the contention of the petitioner that if the respondent wanted to ascertain any factual particulars contained in the legal notice, the proper course would be to conduct enquiry with the petitioner's client, who is the person having personal knowledge of the alleged occurrence, and not the Advocate who had merely reduced the client's instructions into the form of a legal notice.

11.4. Fourthly, the petitioner would allege that the impugned action is actuated by vengeance and is intended to intimidate him for



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having issued notice to high-ranking police officials and the respondent. According to him, such an exercise amounts to an impermissible interference with the lawful discharge of professional duties by a member of the Bar.

11.5. Fifthly, the petitioner would also point out that what was served on him was only a photocopy of the summon and not even the original summon, which, according to him, further demonstrates the arbitrary manner in which the impugned proceeding has been initiated.

Arguments on either side:

12. The learned counsel appearing for the petitioner submitted that the petitioner is a practising Advocate with more than two decades of standing at the Bar and that he had only discharged his professional obligation in issuing a notice under Section 80 CPC on behalf of his client.



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13. The learned counsel would submit that the legal notice is not a personal complaint by the petitioner, but a communication issued in his representative capacity as a legal practitioner. Therefore, summoning the Advocate for enquiry regarding the contents of the notice is unknown to law and unsustainable.

14. It was further argued that no complaint has been lodged against the petitioner, no First Information Report is pending against him, and there is no allegation that he has himself committed any offence. In such circumstances, compelling him to appear before the police would amount to harassment and an abuse of authority.

15. The learned counsel also submitted that the facts contained in the notice are based entirely on the instructions of the client, namely P.M.Chenthil Kumar. Therefore, if the police authorities have any genuine necessity to verify the allegations or obtain clarifications, they are at liberty to enquire the client directly. The respondent cannot, however, summon the Advocate who merely acted as a medium for issuance of the legal notice.



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16. Per contra, the learned Government Advocate (Crl. Side), on instructions, submitted that the notice issued by the petitioner had been forwarded by the office of the Deputy Superintendent of Police to the respondent police and, in that regard, the petitioner was required to appear before the respondent for enquiry.

17. The learned Government Advocate would submit that the summon was issued only in connection with the legal notice and that the respondent sought to obtain clarification in respect of the same. According to the respondent, the issuance of summon was not intended as any act of harassment.

Point for Consideration:

18. In the light of the rival submissions and the materials available on record, the following point arises for consideration in this Criminal Original Petition:

Whether the summon issued by the respondent dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025, requiring the petitioner/Advocate to appear for enquiry solely on account of a



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legal notice issued by him on behalf of his client under Section 80 CPC, is legally sustainable?

Analysis:

19. This Court has anxiously considered the submissions made on either side and carefully perused the materials placed before it.

20. At the outset, it is not in dispute that the petitioner is a practising Advocate. It is equally not in dispute that the legal notice dated 15.05.2024 was issued by him in his professional capacity on behalf of his client, namely P.M.Chenthil Kumar.

21. A legal notice issued by an Advocate on behalf of a client is an act undertaken in the course of professional duty. The Advocate does not become a witness to the underlying occurrence merely because he has drafted, signed or dispatched a notice based upon the client's instructions. The contents of such notice are attributable



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to the client's version of facts, unless the contrary is specifically demonstrated.

22. A counsel engaged by a litigant performs an essential role in the administration of justice. An Advocate acts as a legal representative, advisor and communicator of the client's case. If police authorities are permitted to summon Advocates for enquiry merely because they issued statutory or pre-litigation notices on behalf of their clients, such a practice would have a chilling effect on the independence of the Bar and would seriously impair the fearless discharge of professional responsibilities.

23. In the case on hand, the impugned summon itself, as rightly pointed out by the petitioner, has been issued in relation to the Section 80 CPC notice sent on behalf of his client. The respondent has not placed any material before this Court to show that the petitioner is an accused, a suspect, or a person directly connected with the alleged incident narrated in the legal notice. No complaint is shown to have been lodged against the petitioner. No



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crime is stated to have been registered against him. No factual foundation is laid to justify his personal appearance before the police.

24. If indeed the respondent wanted to verify the truth or otherwise of the allegations contained in the legal notice, the proper and lawful course would be to approach the person who made those allegations, namely the client, and not the counsel who merely communicated them in the form of a legal notice. The Advocate cannot be converted into a source of factual enquiry merely because he represented the client.

25. The explanation offered by the respondent through the learned Government Advocate that the notice had been forwarded from the office of the Deputy Superintendent of Police and that therefore the petitioner was required to appear, does not improve the case of the respondent in any manner. Administrative forwarding of a legal notice from one office to another does not clothe the respondent



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with authority to compel the Advocate concerned to appear for enquiry, absent any legal basis.

26. The impugned action, therefore, appears to be a clear instance of overreach. It is one thing for the police to investigate facts in accordance with law; it is altogether different to summon an Advocate for having issued a legal notice on behalf of his client. The latter course cannot be countenanced.

27. This Court is constrained to observe that such practice, if permitted, would set an unhealthy precedent. Advocates are officers of the Court. Their function is indispensable to the justice delivery system. Subjecting them to police summons for acts done in their professional capacity, without any lawful justification, would amount to intimidation and would undermine the autonomy of the legal profession.

28. The respondent has also not demonstrated any statutory provision under which the petitioner could have been compelled to



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appear in the facts of the present case. Mere administrative convenience or curiosity regarding the legal notice cannot substitute lawful authority.

29. Thus, this Court is of the considered view that the impugned summon issued to the petitioner is wholly unsustainable in law, arbitrary in nature, and liable to be interfered with in exercise of the inherent jurisdiction of this Court under Section 528 of BNSS, 2023.

30. The point for consideration is answered in favour of the petitioner. This Court holds that the summon issued by the respondent dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025, requiring the petitioner, an Advocate, to appear for enquiry solely because he had issued a legal notice on behalf of his client under Section 80 CPC, is illegal and liable to be quashed.

31. The legal profession occupies a vital position in the constitutional and institutional framework of this country. A



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practising Advocate, acting within the bounds of his professional duty, cannot be exposed to coercive or intimidating measures merely because the contents of a legal notice issued by him may be inconvenient or uncomfortable to the recipients thereof.

32. The majesty of law rests not merely upon the power of institutions, but equally upon the assurance that professionals engaged in the justice system can discharge their functions without fear or favour. Police enquiry must remain directed at facts and persons legitimately connected therewith; it cannot transgress into the realm of professional representation by counsel.

33. In the present case, the petitioner has made out a clear case for interference. The impugned summon is nothing but an unwarranted intrusion into the professional domain of an Advocate and cannot be sustained.



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34. In the result, this Criminal Original Petition is allowed and the impugned summon issued by the respondent dated 01.12.2025 in Ref.C.No.P1/39569/2025 dated 29.11.2025 is hereby quashed.

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

To

1. Additional Superintendent of Police,
Cyber Crime Wing,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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