



Crl.O.P(MD)No.3952 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.3952 of 2026

and

Crl.M.P(MD)Nos.4244 & 4247 of 2025

Karthigai Selvan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records of the proceedings initiated by 1st respondent in M.C.No.A3/52/599/26/2026 dated 13.02.2026 and quash the said proceedings as against the petitioner.

For Petitioner : Mr.B.Arun

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Preface:

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the summons issued by the respondent Executive Magistrate under Section 110 of the Code of Criminal Procedure /129 BNSS,2023 and all further proceedings pursuant thereto, as being illegal, arbitrary, and violative of the mandatory safeguards prescribed under Chapter VIII of the Code/IX of BNSS,2023.

Factual matrix:

2. The petitioner is a resident within the jurisdiction of the respondent Executive Magistrate. On 13.02.2026, the respondent issued a summons to the petitioner purporting to initiate proceedings under Section 110 Cr.P.C., 1973/129 BNSS,2023, calling upon the petitioner to appear and show cause as to why he should not be directed to execute a bond for good behaviour. The summons does not disclose the basis



for initiation of the proceedings, nor does it specify the particular clause of Section 110 Cr.P.C., 1973 /129 BNSS,2023 under which the petitioner is alleged to fall.

Case of the petitioner:

3. The learned counsel for the petitioner would submit that the impugned summons has been issued in a mechanical manner without any application of mind and without recording the mandatory subjective satisfaction that the petitioner is a habitual offender or a person falling within the categories enumerated under Section 110 Cr.P.C., 1973/129 of BNSS, 2023.

4. It is further contended that no material particulars have been furnished, no preliminary satisfaction order under Section 111 Cr.P.C., 1973/130 BNSS has been served, and the summons does not disclose the nature of allegations or prior instances relied upon. According to the petitioner, the initiation of preventive proceedings in such a casual



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manner results in serious infringement of personal liberty guaranteed under Article 21 of the Constitution of India and therefore warrants interference by this Court.

Case of the respondent:

5. The learned Government Advocate (Criminal Side), appearing for the respondent, would submit that the proceedings under Section 110 Cr.P.C., 1973 /129 BNSS are preventive in nature and that the petitioner can raise all objections before the Executive Magistrate during the enquiry.

6. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

7. The point that arises for consideration is whether the summons issued by the Executive Magistrate under Section 110 Cr.P.C., 1973/129 BNSS is vitiated for non-compliance with the mandatory



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procedural requirements, warranting interference under Section 482 Cr.P.C., 1973?

Analysis:

8. Proceedings under Section 110 Cr.P.C., 1973/129 BNSS , though preventive, have grave civil consequences and directly impinge upon the personal liberty of an individual. Therefore, strict compliance with the procedure contemplated under Sections 110 to 116 Cr.P.C., 1973/130 to 135 BNSS is mandatory and not a mere formality.

9. Section 111 Cr.P.C., 1973/130 BNSS mandates that the Executive Magistrate shall make an order in writing setting forth the substance of the information received, the amount of bond to be executed, the term for which it is to be in force, and the number, character, and class of sureties required.



10. The impugned summons, on a bare perusal, does not disclose any such foundational order nor does it indicate the material on the basis of which the respondent Executive Magistrate arrived at a prima facie satisfaction. It is well settled that preventive jurisdiction cannot be exercised on vague allegations, general suspicion, or at the mere ipse dixit of the police. Mechanical issuance of summons under Section 110 Cr.P.C., 1973/129 BNSS, without recording reasons or satisfying statutory pre-conditions, renders the proceedings vulnerable.

11. This Court finds that the impugned summons has been issued without adherence to the mandatory requirements of Sections 110 and 111 Cr.P.C., 1973/130 to 135 BNSS and therefore suffers from incurable procedural infirmity.

12. In view of the above analysis, this Court is of the considered opinion that the continuation of proceedings pursuant to the impugned summons would amount to an abuse of the process of law and unjustified interference with the personal liberty of the petitioner.



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13. Preventive provisions under Chapter VIII of the Code of Criminal Procedure / Chapter IX of BNSS are intended to protect societal order, not to operate as instruments of routine control. Executive Magistrates are duty-bound to exercise such powers with restraint, responsibility, and scrupulous adherence to statutory safeguards.

14. Accordingly, this Criminal Original Petition is allowed.

(i) The summons dated 13.02.2026 issued by the respondent Executive Magistrate under Section 110 of the Code of Criminal Procedure/129 BNSS is quashed.

(ii) All further proceedings pursuant to the impugned summons are also quashed.

(iii) This order, however, shall not preclude the respondent authorities from initiating fresh proceedings in accordance with law, if circumstances so warrant, strictly following the procedure prescribed



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under the Code. Consequently, connected Criminal Miscellaneous
Petitions are closed.

24.02.2026

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

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To

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



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L.VICTORIA GOWRI, J.

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