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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5696 of 2026

and

Crl.M.P.(MD)No.6176 of 2026

K.Ramasubburoyal

...Petitioner

Vs

1. The Sub Divisional Magistrate cum the Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Executive Magistrate / Tahsildar,
O/o.The Executive Magistrate / Tahsildar,
Ambasamuthiram,
Tirunelveli District.

3. The Sub Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.

...Respondent Nos.1 to 3

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the records pertaining to the Impugned Proceedings in M.C. No.Nil passed by the 2nd respondent, dated 06.02.2026 and quash the same as illegal.

For Petitioner : M/s.T.Thirumurugan

For Respondents : Mr.A.Albert James
Government Advocate(crl.side)



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ORDER

The present petition has been filed seeking to quash the summons issued under Section 129 of BNSS by the second respondent.

2. According to the learned Counsel appearing for the petitioner, a similar notice issued by the Revenue Divisional Officer on 10.09.2025 was quashed by this Court on 13.10.2025 in CrI.O.P.(MD)No.17072 of 2025.

3. According to the learned Counsel appearing for petitioner, the ingredients under Section 130 of BNSS have not been satisfied and therefore, the present impugned summon has to be quashed.

4. Per contra, the learned Government Advocate(crl.side) appearing for the respondents submitted that it is only the summon issued to the petitioner. In case if the petitioner appears before the first respondent and satisfies that he is not a habitual offender, further proceedings would be dropped. On the other hand, if the authorities are satisfied that proceedings under Section 130 have to be initiated, a second show cause notice would be issued to them satisfying the ingredients under Section 130 of BNSS.



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5. The learned Counsel appearing for the petitioner further submitted that this is not a first notice and this is a second notice issued and therefore, the same has to be quashed.

6. I have considered the submissions made on either side and perused the materials available on record.

7. According to the learned Counsel appearing for the petitioner, the impugned summon has not satisfied the ingredients under Section 130 of BNSS.

8. In view of the above said facts, impugned summon is hereby quashed granting liberty to the second respondent to issue appropriate notice under Section 130 of BNSS.

9. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

23.03.2026

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



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To

1. The Sub Divisional Magistrate cum the Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Executive Magistrate / Tahsildar,
O/o.the Executive Magistrate / Tahsildar,
Ambasamuthiram,
Tirunelveli District.

3. The Sub Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.

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



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R.VIJAYAKUMAR, J.

RJR

CrI.OP.(MD)No.5696 of 2026

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