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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5843 of 2026

and

Crl.M.P(MD)No.6323 of 2026

Aadhivalavan

...Petitioner/Respondent

Vs

1. The State of Tamilnadu,
The Executive Magistrate cum Revenue Divisional Officer,
Melur,
Madurai District.

...1st Respondent

2. The State of Tamilnadu,
Rep. by the Inspector of Police,
Silaiman Police Station,
Madurai.

...2nd Respondent/Petitioner

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records on the file of the 1st respondent herein in Case No. 347/2026/MC, dated 27.02.2026 and to quash the same.

For Petitioner : M/s.S.Ramanathan

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



ORDER

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The present petition has been filed seeking to quash the summons issued by the first respondent on 27.02.2026, directing the petitioner to appear for an enquiry to be contemplated under Section 130 of BNSS.

2. According to learned Counsel appearing for the petitioner, he has involved in only one criminal case in crime No.246 of 2025, on the file of the Silaiman Police Station. Challenging the said F.I.R., the petitioner had filed CrI.O.P.(MD)No.22699 of 2025, before this Court to quash the FIR and this Court has granted interim orders on 11.12.2025. In such circumstances, relying upon the said criminal case, the present proceedings have been initiated. Hence, he prayed for quashing of the proceedings.

3. Per contra, the learned Government Advocate(crl.side) appearing for the respondents submitted that the petitioner is a history sheeter and considering the election, L.I.R. has been issued in L.I.R.No.44 of 2026 under Section 129 of BNSS. Therefore, the petitioner was called upon to attend the enquiry on 23.02.2026. However, he has not appeared for the enquiry on the same date.



4. In view of the fact that the petitioner is a history sheeter involved in 7 cases, this Court is not inclined to quash the summons issued to the petitioner.

In case, if the respondent officials are intending to proceed under Section 130 of BNSS, a separate show cause notice fulfilling the ingredients of Section 130 shall be issued before passing any orders.

5. With the above said observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed.

25.03.2026

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

To

1. The Executive Magistrate cum Revenue Divisional Officer,
Melur,
Madurai District.

2. The Inspector of Police,
Silaiman Police Station,
Madurai.

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



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R.VIJAYAKUMAR, J.

RJR

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