



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.8726 of 2026
and Crl.MP(MD).Nos.9282 & 9284 of 2026

C.Thangamani
State President
Tamil Nadu Higher Secondary School Headmaster's Association
Working as Headmaster at
Government Higher Secondary School
Keelakurichi
Pudukkottai District

...Petitioner/Accused No.2

Vs

M.Murugesan

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Crl.M.P. No.190 of 2025 on the file of the Judicial Magistrate, Tenkasi and quash the same as illegal as against this petitioner is concerned.

For Petitioner : Mr.K.C.Maniyarasu

ORDER

The present petition has been filed by accused No.2 in Crl.MP.No.190 of 2025 on the file of the Judicial Magistrate, Tenkasi seeking to quash the private complaint filed under Section 223 of BNSS 2023.

2.According to the learned counsel appearing for the petitioner, the



complaint does not disclose any offence under Section 356(2) of BNS 2023.

Without considering the said fact, a summons has been issued by the concerned Court treating the petitioner herein as an accused person. Hence, the present petition.

3.A perusal of the notice issued by the Court clearly indicates that the summon meant for an accused person under statutory Form-I of BNS 2023 has not been issued. The petitioner has been served is only a notice as contemplated under proviso to Section 223(1) of BNS 2023.

4.Unless the Court takes cognizance, the petitioner cannot be considered to be an accused person and the petitioner should be treated only as a respondent in the complaint.

5.The Court has issued a notice calling upon the petitioner to offer his explanation/objection why cognizance cannot be taken. Therefore, notice received by the petitioner is only a pre-cognizance notice calling upon objection from the petitioner. In such circumstances, this Court is not inclined to go into the merits of the complainant.

6.In view of the above said facts, as long as the Court has not taken cognizance, the petitioner can very well be represented through his counsel and his personal appearance shall be dispensed with. The petitioner can raise all his objections before the trial Court with regard to the maintainability of the



complaint. Therefore, at this stage, there is no need to enter upon the merits of the complaint lodged by the respondent herein.

7. With the above said clarification, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. In case, if the cognizance is taken, the petitioner is always at liberty to challenge the same in a manner known to law.

03.06.2026

msa

To

The Judicial Magistrate, Tenkasi



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R.VIJAYAKUMAR, J.

msa

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