



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.361 of 2026
and
CrI.MP(MD)Nos.361 & 362 of 2026

V.Vanitha

... Petitioner

Vs.

1.The II Class Executive Magistrate cum Sub Collector,
O/o of the Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The State rep by,
The Inspector of Police,
Vikramangalam Police Station,
Madurai District.
(LIR No.26 of 2025)

... Respondents/Complainants

PRAYER : Petition filed under Section 528 of BNSS, to call for the records
pertains to the impugned summon U/s.35(1) BNSS dated 16.12.2025 issued by
the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.M.Iniyavan

For Respondents : Mr.S.Ravi

Additional Public Prosecutor



ORDER

WEB COPY

Challenging the impugned summon issued by the Inspector of Police, Vikramangalam Police Station, Madurai District, dated 16.12.2025, under Section 35(1) of BNSS, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that the impugned summons was served upon the petitioner without following the procedures mandated under law and sought the indulgence of this Court.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the said summons under Section 35(1) of BNSS has been issued informing the petitioner about the proceedings of the first respondent under Section 129 of BNSS, 2023.

4. Heard both sides and carefully perused the materials available on records.

5. It is needless to state that the second respondent police has issued summons on the petitioner quoting a wrong provision. However, it is brought to the attention of this court by the learned Additional Public Prosecutor that



subsequently, a First Information Report in Crime No.42 of 2026 has been registered on 09.02.2026 against the petitioner for the offence under Section 8(c), 20(b)(ii)(C) and 29 of NDPS Act, 1985, as against the petitioner and three others. It should be clearly inferred that only under such circumstances, the first respondent has proceeded against the petitioner under Section 129 of BNSS, 2023, and in this regard, quoting a wrong provision, the second respondent has intimated the same to the petitioner. Now, the First Information Report has already been registered as against the petitioner and others. The petitioner has challenged the summons issued by the 2nd respondent Police for quoting a wrong provision.

6. Accordingly, the impugned summons issued by the second respondent, dated 16.12.2025, is hereby set aside and the second respondent police is directed to issue an intimation afresh informing the proceedings which has already been initiated as against her by the 1st respondent under the proper provision. Consequently, connected miscellaneous petitions are closed.

10.02.2026

NCC : Yes / No
Index : Yes / No
dss



WEB COPY



L.VICTORIA GOWRI, J.

dss

TO:-

1. The II Class Executive Magistrate cum Sub Collector,
O/o of the Revenue Divisional Officer,
Usilampatti,
Madurai District.
2. The Inspector of Police,
Vikramangalam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CrI.O.P.(MD)No.361 of 2026
and
CrI.MP(MD)Nos.361 & 362 of 2026

Dated
10.02.2026