

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 26.08.2025

DELIVERED ON : 14.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.OP(MD)No.13075 of 2025

Ramasamy

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Cr.No.80 of 2013

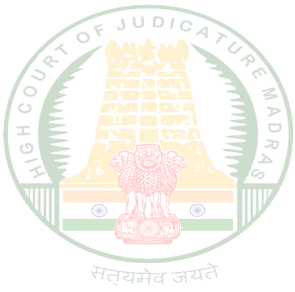
2.Rajathi

3.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

4.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.

: Respondents

[R.3, R.4 *suo-motu* impleaded vide order dated 13.08.2025]



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PRAYER: Petition filed under Section 528 BNSS to call for the records relating to the impugned charge sheet in CC.No.128 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Vendasandur, Dindigul District and quash the same.

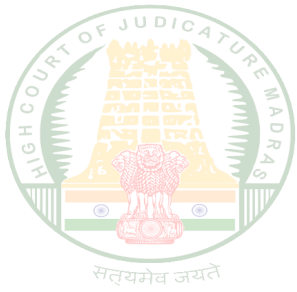
For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents: Mr.Hasan Mohamed Jinnah,
Public Prosecutor
Assisted by
Mr.T.Senthilkumar,
Additional Public Prosecutor
for R.1

Mr.Veerakathiravan,
Additional Advocate General
Assisted by
Mr.F.Deepak,
Special Government Pleader
for R.3, R.4

ORDER

The petitioner, a senior citizen, has invoked the inherent jurisdiction of this Court by filing this petition to quash the proceedings in CC.No.128 of 2013, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Vendasandur, Dindigul District.

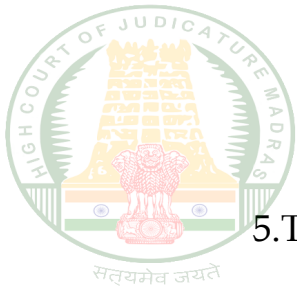


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2. On the complaint of the second respondent, who is the petitioner's daughter-in-law, a case in Crime No.80 of 2013 was registered by the first respondent Police on 02.04.2013 for the offences under Sections 294(b), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. After investigation, a final report was filed and taken on file in CC.No.128 of 2013 on 18.06.2013.

3. Learned Counsel for the petitioner submits that the petitioner was unaware of the pendency of the proceedings all these years, and that he came to know of it only when summons was served on him on 04.06.2025. Thereafter, the petitioner entered appearance before the trial Court and has now approached this Court seeking quash.

4. It is further submitted that the defacto complainant, being the petitioner's daughter-in-law, is not inclined to pursue the case, and hence continuance of prosecution serves no purpose.



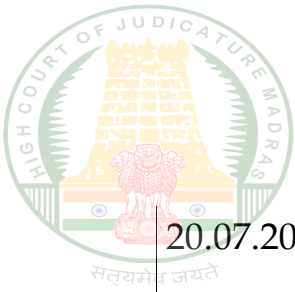
5.This Court was surprised at the submission that a case which was taken on file in the year 2013 has resulted in service of summons only in June 2025. Therefore, this Court called for the B-Diary extract of CC.No.128 of 2013 and also directed the Superintendent of Police, Dindigul District, to file a report as to the reasons for non-service of summons for nearly 12 years.

6.The B-Diary extract of CC.No.128 of 2013 is reproduced as under:-

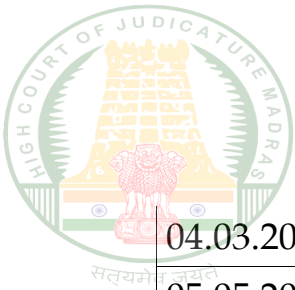
07.01.2015	Await Records
07.05.2015	Await Records
19.10.2015	Accused absent. Issue fresh summon to Accused. Call on 25.01.2016.
25.01.2016	Accused absent. Issue fresh summon to Accused. Call on 03.06.2016.
03.06.2016	Accused absent. Issue fresh summon. Call on 01.11.2016
01.11.2016	Adjournment
24.01.2017	Accused absent. Issue fresh summon. Call on 17.04.2017
17.04.2017	Accused absent. Issue fresh summon. Call on 18.07.2017
18.07.2017	Accused absent. Issue fresh summon. Call on 28.11.2017
28.11.2017	Accused absent. Issue fresh summon to accused. Call on 05.02.2018
05.02.2018	Accused absent. Issue fresh summon to accused. Call on 09.04.2018



09.04.2018	Accused absent. Issue fresh summon to accused. Call on 10.07.2018
10.07.2018	Accused absent. Issue fresh summon to accused. Call on 24.10.2018
24.10.2018	Accused summon not duly served. Fresh summons to accused. Call on 11.01.2019
11.01.2019	Accused absent. Issue fresh summon to accused. Call on 05.03.2019
05.03.2019	Accused summon not duly served. Fresh summons to accused. Call on 13.05.2019
13.05.2019	Accused not present. Issue fresh summon. Call on 19.08.2019
19.08.2019	Accused not present. Issue fresh summon to accused. Call on 05.11.2019.
05.11.2019	Accused not present. Issue fresh summon to accused. Call on 05.02.2020.
05.02.2020	Accused absent. Issue fresh summons. Call on 09.04.2020
09.04.2020	National Lock Down
29.04.2020	Today declared as Holiday due to COVID 19. Hence reposted to 12.06.2020.
12.06.2020	National Lockdown. Reposted to 17.08.2020
17.08.2020	Due to pandemic situation of Covid 19 the case reposted to 19.10.2020
19.10.2020	Accused absent. Issue summon to accused by 28.12.2020.
28.12.2020	Accused absent. Issue summon to accused by 12.03.2021
12.03.2021	Accused summon not served. Issue summon to accused by 08.06.2021
08.06.2021	Due to pandemic situation of Covid-19 case reposted on 20.07.2021



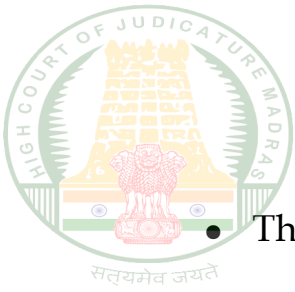
20.07.2021	Accused summon not served. Issue fresh summon to accused by 13.10.2021
13.10.2021	Accused summon not served. Issue fresh summon to accused. Call on 10.01.2022
10.01.2022	Accused summon not served. Issue summon to accused Due to pandemic situation of omiacran this case is reposted to 05.04.2022
05.04.2022	Accused summon not served. Issue summon to accused. Call on 26.07.2022
26.07.2022	Issue fresh summon to accused. Call on 20.10.2022
20.10.2022	Accused summon not served. Issue summon to accused. Call on 05.12.2022
05.12.2022	Accused summon not served. Issue summon to accused. Call on 15.03.2023
15.03.2023	Accused summon not served. Issue summons to accused. Call on 22.05.2023.
22.05.2023	Accused summon not served. Issue summons to accused. Call on 19.09.2023.
19.09.2023	Accused summon not served. Issue summon to accused. Call on 08.11.2023.
08.11.2023	Accused summon not served. Issue summon to accused. Call on 20.03.2024.
20.03.2024	Fresh summon to accused. Call on 20.06.2024
20.06.2024	Issue fresh summon to accused. Call on 29.08.2024
29.08.2024	Issue summon to accused and summon to be served at the earliest. Call on 08.10.2024
08.10.2024	Issue fresh summon to accused. Call on 14.01.2025
14.01.2025	Issue fresh summon to accused. Today pongal holiday. Call on 04.03.2025



04.03.2025	Issue fresh summon to accused. Call on 05.05.2025
05.05.2025	Issue fresh summons to accused. Call on 05.06.2025
05.06.2025	Accused present upon identity verified. Copies furnished and accused for engaging counsel and for first questioning, call on 23.06.2025
23.06.2025	Accused present and questioned on substance of accusation and accused denied the case and on perusal of records, prima facie grounds for proceedings against the accused and charges under Sections 294(b), Sec. 506(1) of IPC and Section 4 of TNPHW Act are framed against accused and charges and read over and explained to accused in tamil and accused pleaded not guilty and claimed to be tried. Issue fresh witness summon to L.W.1 to L.w.7 call on 08.07.2025
08.07.2025	Accused present. Issue fresh witness summon to LW1 to LW7. Call on 14.08.2025.

7.The Superintendent of Police, Dindigul District, has filed a report and the crux of the report is as under:-

- No summon was received from the Court till 2018.
- First summon was received by a Special Sub-Inspector, Tr.Kuppannan, in the year 2018, but was neither accounted for nor acted upon by the said official.
- Second summon was issued in the year 2021, but was not served due to Covid-19 pandemic.



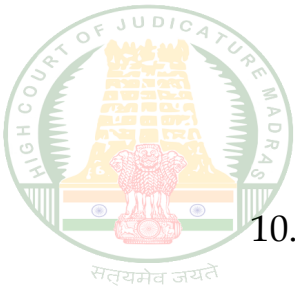
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Third summon issued in the year 2024 was entrusted to a Head Constable, Tmt.Clara, but was not served by the said official.

- Ultimately, the summons was served on 04.06.2025.
- Disciplinary action has been initiated against the delinquent personnel under the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules, 1995, and under the Tamil Nadu Pension Rules, 1978.

8.This Court has also called for a report from the learned Judicial Magistrate, Vendasandur, for which, a reply has been received that the learned Magistrate has joined duty only in the month of April, 2025 and that she has acted swiftly. The summon was served on the accused and he was produced on 05.06.2025 and now, summons have been issued for the production of the witnesses.

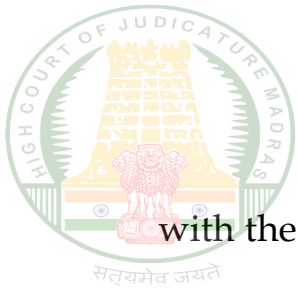
9.This Court paid it's anxious consideration to the rival submissions made on either side and perused the materials placed on record.



10.The petitioner is a senior citizen, and the complainant is none other than his daughter-in-law. While the allegations may or may not be substantiated, the fact remains that the trial has been stalled for 12 years on account of non-service of summons.

11.The delay is attributable to lapses both on the part of the Police and on the part of the Court Registry. The B-Diary shows repeated directions for issuance of summons, but the learned Judicial Magistrate has not verified whether the summons were in fact issued, nor called for an explanation for non-service, nor taken recourse to other statutory mechanisms. Equally, the Police, despite receipt of summons, failed to cause service in time or return them properly.

12.It is apposite to refer to Tamil Nadu Police Standing Order No.715, as per which, a process register shall be maintained in each police station, wherein all process received from the Courts for service or execution shall be entered. The standing order also mandates the Inspector of Police to inspect those registers once in two months. He has to check up the entries

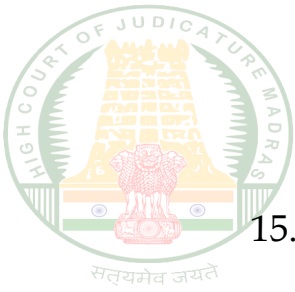


with the corresponding registers maintained by the Court and report to the Superintendent of Police of cases involving serious delays or omissions.

13.This Standing Order clearly casts a statutory duty upon the Station House Officer and the Circle Inspector to ensure that Court summons are promptly served and, if not, the reasons are accounted for in writing and communicated both to the Superintendent of Police and to the Judicial Magistrate. In the present case, this mandate has been breached, since summons were allowed to stagnate without any report for years together.

14.Turning to the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), Section 67 stipulates as follows:

*“67.Procedure when service cannot be effected as before provided -
If service cannot by the exercise of due diligence be effected as provided in section 64, section 65 or section 66, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the Court, after making such inquiries as it thinks fit, may either declare that the summons has been duly served or order fresh service in such manner as it considers proper.”*



15. Thus, the statute itself provides for substituted service when ordinary service is unsuccessful. However, in this case, neither the Police attempted affixture of summons on the accused's residence nor did the Judicial Magistrate or the Registry consider invoking this statutory device. Instead, the Court mechanically issued fresh summons without applying its mind to the failure of earlier service.

16. Likewise, Rule 29(11) of the Criminal Rules of Practice, 2019 reads as follows:

"(11) Where the Police is not able to serve summons, it shall be returned to the Court on the date mentioned in the summons together with an affidavit sworn by the police concerned detailing the steps taken by him for effecting service on the witness or accused, as the case may be."

17. This provision makes it mandatory that every failed attempt of service must be accompanied by an affidavit detailing the steps taken. This enables the Court to verify whether due diligence was exercised and whether coercive steps under law (such as substituted service, or even

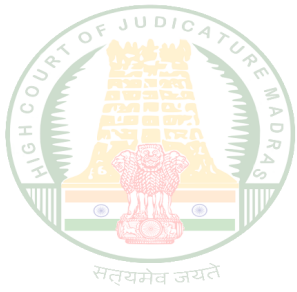


issuance of a warrant) are warranted. Unfortunately, this rule has been

completely ignored in the present case. Summons were mechanically reported as “not served,” without any sworn affidavit of the police, and the Judicial Magistrate mechanically issued fresh summons without insisting on compliance with this rule.

18. These three provisions — Standing Order 715, Section 67 of the BNSS, and Rule 29(11) of the Criminal Rules of Practice — form a complete procedural safeguard against delays in service of summons. They define the accountability structure between the Police and the Court Registry. Their object is to ensure that service of summons, which is the starting point of trial, is not reduced to a meaningless ritual. However, in the present case, both institutions have failed in their respective obligations, thereby resulting in a 12-year stagnation of proceedings.

19. Once this lapse has been pointed out by this Court, the Police has responded by initiating disciplinary proceedings as against the erring officials. A similar response is expected from the Judiciary as well.



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20. Judiciary is also having certain responsibility in ensuring the rule of law by taking the proper course of action in conducting the trials. It is not enough to issue directions mechanically. Compliance must be verified and, when necessary, statutory alternatives, like substituted service, etc., must be resorted.

21. A proceedings of the Director General of Police [HoPF] in C.No. 44/PCW-WC/SCRB/2024, dated 13.08.2025, has been produced before this Court, as per which, all the police personnel have been instructed to utilize e-summon mobile application. If this is properly implemented, then this type of anomaly would not repeat again in future. The respondents 3, 4, the Director General of Police [HoPF], the Registrar General and Registrar [IT] of this Court shall work in tandem and ensure the immediate and strict compliance of e-summons.

22. Insofar as the petitioner's case is concerned, admittedly, there is a delay in service of summon to the petitioner / accused. But that itself



cannot be a ground for quashing the proceedings as against the petitioner,

especially when the trial has commenced. It is reported that summon has been issued for the appearance of the witnesses. Therefore, granting liberty to the petitioner to raise his grounds before the trial Court, this petition stands disposed of. The trial Court shall proceed with CC.No.128 of 2013 uninfluenced by any observation in this order and the trial shall be concluded within a period of three months from the date of receipt of this order.

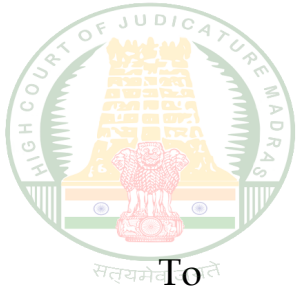
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14.10.2025

Note:

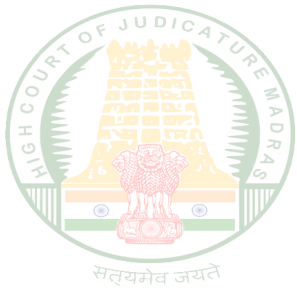
Mark a copy of this order to

1. The Director General of Police [HoPF],
Chennai.
2. The Registrar General,
Madras High Court, Chennai.
3. The Registrar [IT],
Madras High Court, Chennai.



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- 1.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 2.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.
- 3.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.
- 4.The District Munsif cum Judicial Magistrate,
Vedasandur, Dindigul District.



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