



Crl.OP(MD)No.2434 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.02.2026

CORAM

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

Crl.O.P.(MD).No.2434 of 2024
and Crl.M.P(MD).Nos.1876 and 1877 of 2024

1.Uthayabaskaran

2.Naveen

...Petitioners/A1 & A2

Vs.

Eswari

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records pertaining to the proceedings in S.T.C.No.94 of 2016 on the file of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti, Madurai and quash the same as against the petitioner.

For Petitioners : Mr.D.S.Haroon Rasheed

ORDER

Seeking to quash the impugned proceedings in S.T.C.No.94 of 2016 on the file of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti, Madurai, this criminal original petition is filed.



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2. When the matter came up for hearing, the learned counsel for the petitioners fairly conceded that already trial has commenced.

3. As the substantive evidence had already come on record and documents have also been marked by the witnesses, at this stage, this Court cannot conduct a mini trial. This Court, exercising its jurisdiction under Section 528 BNSS, cannot conduct a roving enquiry or mini trial as held by the *Hon'ble Supreme Court* in *Gunmala Sales Private Limited Vs., Anu Mehta and others* reported in *(2015) 1 SCC 103*. Hence, this Court is not inclined to quash the proceedings.

4. Accordingly, this Criminal Original Petition is dismissed. The petitioners are directed to co-operate with the trial.

5. However, Considering the facts and circumstances, the personal appearance of the petitioners before the learned Trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS,



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and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Court.

6.The petitioners shall appear before the Court in the event their presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioners adopt any dilatory tactics, it is open to the learned Trial Court to insist for their appearance and deal with the petitioners in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh¹***. Accordingly, Crl.M.P(MD).No.1877 of 2024 is ordered.

Consequently, connected Crl.M.P(MD).No.1876 of 2024 is closed.

12.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The District Munsif cum Judicial Magistrate No.I,
Usilampatti, Madurai.

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

¹ 2001 (4) SCC 667



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L.VICTORIA GOWRI, J.

Rmk

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