



CRL OP(MD). No.2841 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 28/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2841 of 2024

and

CRL MP(MD). Nos.2218 and 2220 of 2024

1. Anthony Muthu

2. Joseph Raj

3. Stephen Raj

... Petitioners

Vs

1. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No.584 of 2020.

2. Parthiban
Sub Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

... Respondents

PRAYER :-

To call for the records pertaining to the case in PRC.No.55 of 2023 on the file of the Learned Judicial Magistrate No.I, Virudhunagar and quash the same as illegal.



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For Petitioner : Mr.S. Maya Perumal,
Advocate.

For Respondent : Mr.B.Thanga Aravindh for R2
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the case in PRC.No.55 of 2023 on the file of the Learned Judicial Magistrate No.I, Virudhunagar and quash the same as illegal.

2. Learned counsel for the petitioner submitted that final report has been laid before the Court as against the accused Nos.1, 2 and 3 who are the petitioners herein for the offenses under Section 328, 269 of IPC and Section 7, 24(1) of Cigarette and other Tobacco Products Acts, 2003.

3. It is the contention of the learned counsel appearing for the petitioner that there is no case made out from the materials collected by the prosecution as against the petitioner. Hence seeks to quash the final report.



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4. However, the learned Government advocate on instructions submitted that already PW.1 to PW.3 were examined and the substantial evidence had already come on record.

5. The very submission of the learned Government Advocate would indicate that P.W.1 to P.W.3 have been examined. As the substantive evidence had already come on record and documents have also been filed 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 v. Anu Mehta and others*** reported in ***(2015) 1 SCC 103***. Since already P.W.1 and other two witnesses have deposed their evidence, it is for the trial Court to take note of it and proceed as per law. Hence this Court is not inclined to quash the proceedings. However, the trial Court is directed to complete the trial as expeditiously as possible in PRC.No.55 of 2023 on the file of the Learned Judicial Magistrate No.I, Virudhunagar, within a period of three months from the date of receipt of a copy of this order.



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6. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions stand closed.

28.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. Judicial Magistrate No.I, Virudhunagar.
2. The Inspector of Police, Virudhunagar West Police Station, Virudhunagar District. Crime No.584 of 2020.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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ORDER
IN
CRL OP(MD). No.2841 of 2024
and
CRL MP(MD). Nos.2218 and 2220 of 2024

Date : 28/01/2026