



Crl.OP(MD)No.3119 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.3119 of 2026
and Crl.M.P(MD).Nos.2486 and 2487 of 2024

- 1.Muthu Pathirakali
- 2.Vembu
- 3.Shanmugathai
- 4.Mariammal
- 5.Baby

...Petitioners/A2, A5 to A8

Vs.

- 1.The State of Tamil Nadu,
The Inspector of Police,
All Woimen Police Station,
Tirunelveli-Rural
Tirunelveli District.
Crime No.5 of 2021

- 2.Subbulakshmi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records about the charge sheet in C.C.No.2401 of 2022 on the file of the learned Judicial Magistrate Court III, Tirunelveli, and quash the same.



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For Petitioners : Mr.A.Robinson

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.side)

For R2 : Mr.N.Toamilmani

ORDER

Seeking to quash the charge sheet in C.C.No.2401 of 2022 on the file of the learned Judicial Magistrate Court III, Tirunelveli, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that the petitioners are A2, A5 to A8 in C.C.No.2401 of 2022 on the file of the learned Judicial Magistrate Court III, Tirunelveli. On the complaint given by the second respondent, first information report in Crime No.5 of 2021 was registered for the offence under Section 4 of Dowry Prohibition Act, 1961, Sections 298(A), 417, 494, 294(b), 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the same culminated in laying a final report for the



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aforesaid Sections before the trial Court. Seeking quashment of the same, this petition has been filed.

3.The learned Government Advocate (Crl.side), on instructions, submitted that already trial has commenced, P.W.1 was examined and the case is posted for cross-examination of P.W.1 on 10.03.2026, which has also been conceded by the learned counsel for the petitioners.

4.As the substantive evidence had already come on record and documents have also been marked through P.W.1, 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.

5.Accordingly, this Criminal Original Petition is dismissed. However, the personal appearance of the petitioners before the learned



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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, 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.2487 of 2024 is ordered and connected Crl.M.P(MD).No.2486 of 2024 is closed.

28.01.2026

NCC : Yes / No
Index : Yes / No
Rmk

¹ 2001 (4) SCC 667



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To

- 1.The Judicial Magistrate Court III, Tirunelveli.
- 2.The Inspector of Police,
All Woimen Police Station,
Tirunelveli-Rural
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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L.VICTORIA GOWRI, J.

Rmk

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