



*Crl.O.P.(MD)No.7866 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.02.2026**

CORAM:

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

Crl.O.P.(MD)No.7866 of 2025  
& Crl.M.P.(MD)Nos.5891 and 5892 of 2025

1.Sabarinathan

2.Inthu @ Kirthiga

... Petitioners

Vs.

1. The State of Tamilnadu

Inspector of Police,  
All Women Police Station,  
Madurai City.  
Crime No.14 of 2023

2.Shobika Devi

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the impugned charge sheet in C.C.NO.1429 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai as illegal and quash the same in respect of the present petitioners herein.

For Petitioners : Mr.S.M.Mohan Gandhi

For R1 : Mr.B.Thanga Aravindh  
Government Advocate (crl.side)

For R2 : Mr.K.M.Karunakaran



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## **ORDER**

Seeking quashment of the impugned charge sheet in C.C.No.1429 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that the petitioners are the accused Nos.5 and 6 before the learned Judicial Magistrate, Additional Mahila Court, Madurai, in C.C.No.1429 of 2024. The defacto complainant had lodged a complaint before the first respondent police on 24.07.2023 with respect to her matrimonial discord as against her in-laws, husband and the petitioners herein, who are in no way connected with the defacto complainant, for which, a first information report in Crime No.14 of 2023 was registered for the offences under Sections 498(A), 406 and 506(1) of IPC by the first respondent. After the completion of investigation, the same culminated in laying charge sheet in C.C.No.1429 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.

3.The case of the prosecution is that the marriage between the defacto complainant and her husband was conducted on 11.11.2022. At the time of marriage, 60 sovereign of jewel was given to the defacto complainant. After the



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marriage, the defacto complainant was continuously subjected to harassment of dowry and physical abuse by her in-laws and husband. Not being able to withstand the harassment made by her in-laws, husband and the petitioners, she had filed a complaint on 24.07.2023.

4.The learned counsel for the petitioners pointed out that the petitioners are neither direct relatives or part of family of the defacto complainant. They are distant relatives. However, they are falsely roped in a criminal case, which has been foisted by the defacto complainant with respect to matrimonial discord and hence, sought for indulgence of this Court to quash the impugned charge sheet insofar as the petitioners are concerned.

5.The learned counsel for the second respondent categorically contended that specific overt act has been made out as against the petitioners. The first respondent police had obtained a statement under Section 161 Cr.P.C., from the defacto complainant, where she had categorically contended that the petitioners herein had entered into the private room of the defacto complainant and had checked her room thoroughly and thereafter, having not found any jewelry in the room, both the petitioners together pushed the defacto complainant, pulled her shawl and harassed her. In the presence of specific overt act, the charge sheet need not be interfered with.



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6.The learned Government Advocate (Crl.side) submitted that already P.W.1 has elaborately deposed her evidence and the case is posted for cross-examination.

7.Heard the learned counsels on either side and carefully perused the materials available on record.

8.In the presence of a specific overt act, and considering that the de facto complainant has deposed elaborately and substantial evidence, along with relevant documents, has already been marked through P.W.1, this Court, while exercising its jurisdiction under Section 528 BNSS, is not empowered to undertake a roving enquiry or a mini-trial, at this stage, as held by the Hon'ble Supreme Court in *Gunmala Sales Pvt. Ltd vs Anu Mehta & Ors*, reported in 2015 (1) SCC 103. In view thereof, this Court is not inclined to quash the impugned proceedings. Accordingly, this Criminal Original Petition is dismissed.

9.However, the learned trial Court is directed to conclude the trial as expeditiously as possible, preferably, within a period of 4 months from the date of receipt of a copy of this order.



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

11.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 Singh<sup>1</sup>***.

Consequently, connected Miscellaneous Petitions are closed.

**20.02.2026**

NCC : Yes / No  
Index : Yes / No  
Rmk

**TO:-**

1 2001 (4) SCC 667

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1. The Judicial Magistrate, Additional Mahila Court, Madurai.

2. The Inspector of Police,  
All Women Police Station,  
Madurai City.

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



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**L.VICTORIA GOWRI, J.**

*Rmk*

Order made in  
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Dated  
20.02.2026