



Crl.OP(MD)No.9454 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.9454 of 2024  
and Crl.M.P(MD).Nos.6452 and 6453 of 2024

Dheen Mohammed

...Petitioner/ Sole Accused

**Vs.**

1.State rep., by  
The Inspector of Police,  
DCB Police Station,  
Sivagangai District.  
Crime No.24 of 2015

2.Rajeshwari

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining in C.C.No.80 of 2019 dated 08.02.2019 on the file of the learned Judicial Magistrate No.II, Sivagangai, and quash the same as illegal.

For Petitioner : Mr.R.Paranjothi

For R1 : Mr.S.Ravi

Additional Public Prosecutor



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**ORDER**

Seeking to quash the impugned proceedings in C.C.No.80 of 2019 dated 08.02.2019 on the file of the learned Judicial Magistrate No.II, Sivagangai, this criminal original petition is filed.

2.When the matter came up for hearing, the learned Additional Public Prosecutor, on instructions, submitted that already trial has commenced and P.W.1 was examined.

3.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.



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4. Accordingly, this Criminal Original Petition is dismissed.  
Consequently, connected Miscellaneous Petitions are closed.

**12.02.2026**

NCC : Yes / No  
Index : Yes / No  
*Rmk*

To

1. The Judicial Magistrate No.II, Sivagangai.

2. The Inspector of Police,  
DCB Police Station,  
Sivagangai District.

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



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**L.VICTORIA GOWRI, J.**

*Rmk*

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**12.02.2026**