



*Crl.O.P.(MD)No.15524 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2026**

CORAM:

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

Crl.O.P.(MD)No.15524 of 2024  
& Crl.M.P.(MD)No.9715 & 9716 of 2024

1.Kannan  
2.Soniya

... Petitioners

Vs.

1.The State Rep. by  
The Inspector of Police,  
DCB, Tirunelveli District.  
Crime No.8 of 2021.

2.Rajendran

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the entire records pertaining to the proceedings in C.C No. 1147 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same as far as the petitioner is concerned.

For Petitioners : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.S.Ravi (R1)

Additional Public Prosecutor



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### **ORDER**

This Criminal Original Petition is filed to call for the records pertaining to the case in C.C No. 1147 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

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

3. The very submissions of the learned counsel appearing for the petitioners indicate that trial has already commenced and almost all the prosecution witnesses were 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 trial has already commenced, it is for the trial Court to take note of it and proceed as per law.



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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 C.C No. 1147 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli, within a period of three months from the date of receipt of a copy of this order.

4. However, considering the facts and circumstances of this case, the personal appearance of the petitioners before the Trial Court is ordered to be dispensed with, on conditions that the petitioners shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

5. 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 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>. Accordingly, Crl.M.P.(MD)No.9176 of 2024 is allowed.

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<sup>1</sup> 2001 (4) SCC 667



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6. With the above direction, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions stand closed.

**16.02.2026**

NCC : Yes / No  
Index : Yes / No  
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**TO:-**

WEB COPY

- 1.The Judicial Magistrate No.I, Tirunelveli
- 2.The Inspector of Police,  
All Women Police Station,  
DCB, Tirunelveli District.
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 made in  
Crl.O.P.(MD)No.15524 of 2024

Dated  
16.02.2026