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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.10797 of 2021
and Crl.M.P.No.6429 of 2021

P.Sridharan ... Petitioner

Vs.

1.State. Rep. by
Inspector of Police,
F2 Egmore Police Station,
Chennai – 600 008. .. 1st Respondent/1st Respondent

2.M.Babu .. 2nd Respondent/Petitioner

3.G.Gajapathy .. 3rd Respondent/2nd Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to recall the order, dated 29.01.2021, made in Crl.O.P.No.17964 of 2020 and consequently, dismiss the Crl.O.P.No.17964 of 2020, filed by the 2nd respondent herein.

For Petitioner : Mr.B.Kumar
Senior Counsel
for Mr.P.K.Sabapathi

For Respondents : Mr.R.Muniyappa Raj for R1
Government Advocate (Crl. Side)
Mr.Manoj Sreevalsan for R2

ORDER

This petition has been filed to recall the order passed by this Court in Crl.O.P.No.17964 of 2020, dated 29.01.2021.

2.The case of the petitioner is that the second respondent has obtained an order in Crl.O.P.No.17964 of 2020 by not adding the petitioner as a party and by concealing certain material facts and documents.

3.Heard Mr.B.Kumar, learned Senior Counsel appearing for Mr.P.K.Sabapathi, learned counsel for the petitioner, Mr.R.Muniyappa Raj, learned Government Advocate (Crl. Side), appearing for the first respondent and Mr. Manoj Sreevalsan, learned counsel appearing for the second respondent.

4.In the considered view of this Court, the order passed by this Court in Cr.O.P.No.17964 of 2020 and the directions issued therein will only confine itself to the second respondent therein. It will not have any bearing on the inter-se

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dispute between the petitioner and the second respondent herein. Even though various grounds of fraud and concealment of material facts was argued before this Court and was stoutly denied by the counsel for the second respondent, there is no requirement to go into all these issues. This Court did not go into the inter-se dispute between the petitioner and the second respondent herein in the earlier order passed in Crl.O.P.No.17964 of 2020. Therefore, there is no requirement to recall the earlier order passed by this Court.

5.It is made clear that the order passed in Crl.O.P.No.17964 of 2020 will not have any bearing in the dispute between the petitioner and the second respondent herein and it has to be independently agitated. That apart, the respondent police will act on the earlier orders passed by this Court in Crl.O.P.No.17964 of 2020 only insofar as the second respondent in that petition. This clarity will sufficiently safeguard the interest of the petitioner and the second respondent herein.

6.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

TM

To

1.The Inspector of Police,
F2 Egmore Police Station,
Chennai – 600 008.

2.XIV Metropolitan Magistrate Court,
Egmore.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10797 of 2021

RSV(CO)
GN(19/07/2021)

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