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W.M.P.No.27404 of 2023

in

W.P.No.25653 of 2023

N.ANAND VENKATESH, J.

This petition has been filed by the fourth respondent in the Writ Petition to recall the order passed by this Court on 31.08.2023 on the ground that the material facts were not brought to the notice of this Court and that the observation made by this Court at paragraph 3 of the order adversely affects the interest of the fourth respondent.

2.Heard Mr.P.Thangavel, learned Counsel appearing on behalf of the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4 and Mr.N.Manoharan, learned Counsel for the respondents 4 to 9.

3.This Court, while passing the order on 31.08.2023, had merely recorded the submissions made by the learned Additional Public Prosecutor and no independent finding or observation was made by this Court. It is apparent from paragraph 4 of the order, wherein, it is noted



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that the submission of the learned Additional Public Prosecutor is recorded and the Writ Petition is disposed of.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the enquiry was conducted in CSR.No.156 of 2023 and it was closed on 14.09.2023.

5.The order passed by this Court does not in any way foreclose any of the rights, that are available to the petitioner/fourth respondent in law. If ultimately, the police is not taking action on the complaint, the concerned parties will have to go before the Magistrate and file a petition under Section 156(3) of Cr.P.C., and work out their remedy.

6.In view of the above, there is no reason to recall the order, that was passed on 31.08.2023 and this petition is disposed of accordingly.

10.11.2023

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