



WEB COPY

Crl.O.P.No.24129 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 20.10.2023

CORAM :

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

**Crl.O.P.No.24129 of 2023**

1.Shanmuga Sakthi

2.Subramani

3.Sadaiyappan

4.Palaniammal

... Petitioners

-VS-

State Rep. by  
The Inspector of Police,  
Sirumugai Police Station,  
Coimbatore District.  
Crime No.205 of 2012

...Respondent

**PRAYER :** Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order made in C.M.P. No.1847 of 2023 dated 10.08.2023 on the file of the learned Judicial Magistrate Court, Mettupalayam.

|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : Mr.C.Ramkumar                                       |
| For Respondent | : Mr.S.Udaya Kumar,<br>Government Advocate (Crl.Side) |





*evidence appears to it to be essential to the just decision of the case.'*

WEB COPY

4. The reason stated in the petition to recall does not fall within the scope and ambit of Section 311 of Cr.P.C. Hence, the dismissal of the petition is upheld. If the parties want to settle the matter and if the offences fall within the category of compoundable offence, it is open for them to compound the offence before the trial Court or if the offences fall within the scope of plea bargaining, they can explore the possibility.

5. Recalling witness and forcing them to say something contrary before the Court for the sake of acquittal will tantamount to undermine the credibility of the judicial system. Hence, this petition is dismissed with the above observation.

**20.10.2023**

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1. The Judicial Magistrate,  
Mettupalayam.

2. The Inspector of Police,  
Sirumugai Police Station,  
Coimbatore District.

3. The Public Prosecutor,

<https://www.mhc.tn.gov.in/judis>



Madras High Court, Madras.

WEB COPY

Crl.O.P.No.24129 of 2



**Dr.G.JAYACHANDRAN, J.**

rkp

**Crl.O.P.No.24129 of 2023**

**20.10.2023**