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Crl.R.C.No.1582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1582 of 2024
and Crl.M.P.No.13152 of 2024

1.Syed Noor Basha
2.Raziya Begam
3.Imran
4.Yasmeen

...

Petitioners

Vs.

1.The State Rep. By
The Inspector,
All Women Police Station,
Poonamallee,
Chennai - 600 066.

2.Reshma

...

Respondents

Prayer: Criminal Revision Petition is filed under Section 438 of BNSS to call for the records of Crl.MP.No.5708 of 2024 in C.C.No.611 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Thiruvallur and set aside the dismissal order dated 29.04.2024.



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For Petitioners : Mr.G.S.Vivekanandan
For 1st Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl.side)
For 2nd Respondent : Ms.G.S.Deepa

ORDER

The revision challenges the order passed by the learned Magistrate dismissing the petitioners' application for recall of non-bailable warrant under 70(2) which was filed without their presence.

2. When the case was taken up for hearing on an earlier occasion, the second respondent/defacto complainant was present in court and filed an affidavit stating that she is not interested in pursuing the case against the petitioners. This Court, on recording the said fact had directed the learned Government Advocate (crl.side) appearing for the 1st respondent to verify the genuineness of the statement made by the third respondent/defacto complainant.



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3. The learned Government Advocate (crl.side) appearing for the first respondent, on instructions, submitted that the parties were called to the police station and the second respondent had given a statement on 26.09.2024 to the effect that she does not wish to pursue the case against the petitioners.

4. Heard the learned counsel appearing for the petitioner as well as 2nd respondent and the learned Government Advocate (crl.side) appearing for the 1st respondent.

5. In view of the above submissions made by the learned counsel for the petitioner that the parties have arrived at a compromise, which is confirmed by the learned Government Advocate (crl.side) and by the learned counsel for the second respondent, this court is of the view that the order impugned can be set aside and the warrant issued against the petitioner can be re-called. However, the petitioner shall appear before the learned Magistrate and file appropriate application alongwith the defacto complainant, for compounding, if permissible which shall be



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disposed of, in accordance with law.

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6. Accordingly, this Criminal Revision Petition is allowed and the order passed by the learned Judicial Magistrate, Additional Mahila Court, Thiruvallur in Crl.MP.No.5708 of 2024 in C.C.No.611 of 2023 on 29.04.2024 is set aside. Consequently, connected Miscellaneous Petition is closed.

22.11.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr

To

1.The Judicial Magistrate,
Additional Mahila Court,
Thiruvallur

2.The Inspector,
All Women Police Station,
Poonamallee,
Chennai - 600 066.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

rgt

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