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CrL.OP.No.22210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.22210 of 2024

and

CrL.MP.No.12673 of 2024

Settu

.. Petitioner

Vs.

State rep by
The Inspector of Police,
Vellore South L & O Police Station,
Vellore District
(Crime No.1 of 2017

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023 to set aside the order dated 22.07.2024 made in CrL.M.P.No.8338 of 2024 in C.C.No.292 of 2019 on the file of Judicial Magistrate No.1, Court, Vellore.

For Petitioner : Mr.C.S. Saravanan

For Respondent :Mr. S. Udaya Kumar,
Government Advocate (CrL.Side)



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ORDER

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The petitioner herein wants to recall P.W.1 to P.W.7 on the ground that the matter been settled between the parties, due to intervention of the elders and therefore, re-call of these witnesses is necessary. Witness could not be cross examined due to boycott of the Advocates. The trial Court rightly dismissed the application. Boycott of Advocates cannot be the reason to recall the witnesses, who had been examined long back and fearing that witness may be won over held that the application does not deserve any merits.

2. The learned counsel for the petitioner submits that the petitioner and the defacto complainant has come to terms they want to settle the dispute amicably without proceeding further. When the parties have decided to settle the dispute amicably and the offence for which the petitioner has tried is compoundable, it is always open to the petitioner herein to file a compound petition and seek appropriate remedy.

3. The trial Court is directed to consider the compound petition and if the offence is not compoundable, if the petitioner come forward to file



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plea bargain, the same may be considered and dealt in accordance with law. The learned Judicial Magistrate is directed to consider the plea of the petitioners for compounding/plea bargain before proceeding further in this case.

4. With this direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

10.09.2024

Vv

To

1. The Inspector of Police,
Vellore South L & O Police Station,
Vellore District
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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