



Crl.M.P.No.6010 of 2025
in Crl.O.P.No.18684 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.M.P.No.6010 of 2025

in

Crl.O.P.No.18684 of 2023

Selvakumar

.. Petitioner

Vs.

1.M.M.M.Thiyagarajan

2.The State Rep. by its,
The Inspector of Police,
M4 Redhills Police Station,
Tiruvallur District.

3.Mageshwari

.. Respondents

Prayer: Petition filed under Section 482 of Cr.P.C / 528 of B.N.S.S.,
praying to recall the order passed in Crl.O.P.No.18684 of 2023 by its
order dated 21.08.2023 and thereby direct the 2nd respondent police to
complete the investigation based on the production of audio recording of
the conversation between the petitioner and 1st respondent.

For Petitioner	:	Mr.J.Suresh
For R1	:	Mr.P.Sudalaiyandi
For R2	:	Mr.V.J.Priyadarsana
		Government Advocate (Crl.Side)



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ORDER

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This petition has been filed to recall the order passed in Crl.O.P.No.18684 of 2023 dated 21.08.2023.

2.Heard the learned counsel for the petitioner, learned counsel for the 1st respondent and the learned Government Advocate (Crl.Side) for the 2nd respondent.

3.It is brought to the notice of this Court that the investigation has been completed and police report has been filed before the concerned jurisdictional Court. In the police report, the petitioner has been shown as L.W.3.

4.The main grievance expressed by the learned counsel for the petitioner in this recall petition is that the petitioner in the Crl.O.P. is very much involved in the commission of the offence and taking advantage of the order passed in the Crl.O.P., the petitioner in the Crl.O.P., has tried to escape from the consequences.

5.In the considered view of this Court, the investigation did not



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reveal the complicity of the petitioner in the Crl.O.P and hence, the petitioner in the Crl.O.P has been shown as one of the witnesses (L.W.3).

If ultimately, during the course of trial, the role played by the petitioner establishes the commission of any offence, the Trial Court always has the power under Section 319 of Cr.P.C., to add an accused at any stage of the trial till the final judgment is pronounced. Except giving this clarity, no further orders can be passed in this petition.

6.In the result, this Criminal Miscellaneous Petition is disposed of in the above terms.

21.04.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

N.ANAND VENKATESH, J.



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To

- 1.The State Rep. by its,
The Inspector of Police,
M4 Redhills Police Station,
Tiruvallur District.
- 2.The Public Prosecutor,
Madras High Court,
Chennai.

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