



WEB COPY



Crl.O.P.No.17435 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

Crl.O.P.No.17435 of 2025

and

Crl.M.P.No.11062 of 2025

M.Sundhar

... Petitioner

Vs.

S.A.Mohammed Mohideen

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order in Crl.M.P.No.1404 of 2025 in C.C.No.227 of 2019, dated 25.03.2025 of III Metropolitan Magistrate, George Town, Chennai.

For Petitioner

: Mr.M.Ashok

### **ORDER**

This Criminal Original Petition has been filed by the petitioner to set aside the order in Crl.M.P.No.1404 of 2025 in C.C.No.227 of 2019, dated 25.03.2025 on the file of the III Metropolitan Magistrate, George Town, Chennai.

2. It is seen from the records that the respondent has filed a



CrI.O.P.No.17435 of 2025

complaint against the petitioner in C.C.No.227 of 2019 on the file of the  
WEB COPY III Metropolitan Magistrate, George Town, Chennai, for dishonouring of

cheque. In the said case, the respondent was examined as P.W.1 and after completion of chief examination, the petitioner cross examined the respondent extensively. Subsequently, the petitioner filed a petition in CrI.M.P.No.1404 of 2025 under Section 311 Cr.P.C. for re-call and cross examination of P.W.1/respondent-complainant. The learned Magistrate dismissed the same by order 25.03.2025 by elaborately discussing that the petitioner was given sufficient opportunity to cross examine P.W.1 and he also cross examined P.W.1 extensively and that there is no necessity for further cross examination of P.W.1. Earlier the case was pending quiet a long time because of the non appearance of the petitioner and subsequently NBW was issued and the same was pending for a long time. Thereafter, on execution of NBW, the petitioner appeared. Therefore, the Magistrate on finding that the petitioner already cross examined the respondent extensively and in order to protract the case, he has filed the petition under Section 311 Cr.P.C., dismissed the same.

3. Since the petitioner was already given sufficient opportunity and the petitioner also cross examined the respondent/P.W.1 extensively,



Crl.O.P.No.17435 of 2025

there is no abuse of process of law in the order passed by the trial Court and there is no reason to interfere with the order passed by the Magistrate. Therefore, this Court is not inclined to exercise its power under Section 528 B.N.S.S.

4. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

**17.06.2025**

Index : Yes/No  
Neutral Citation Case : Yes/No  
Speaking Order : Yes/No  
ksa-2

To

The III Metropolitan Magistrate,  
George Town, Chennai.



WEB COPY



CrI.O.P.No.17435 of 2025

**P.VELMURUGAN, J**

ksa-2

CrI.O.P.No.17435 of 2025  
and  
CrI.M.P.No.11062 of 2025

17.06.2025