



Crl.O.P.No.17317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17317 of 2025

1. Surya
2. Kumar
3. Keerthika

... Petitioners

Vs.

State through
The Inspector of Police
All Women Police Station
Nannilam
Tiruvarur
(Crime No.19 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records relating the order passed by the Court of the Sessions Judge, Fast Track Mahila Court, Tiruvarur vide Crl.M.P.No.2 of 2024 in S.C.No.74 of 2023 dated 20.02.2025 and set aside the same.

For Petitioners

: Mr.C.Ganesh Pandian

For Respondent

: Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)



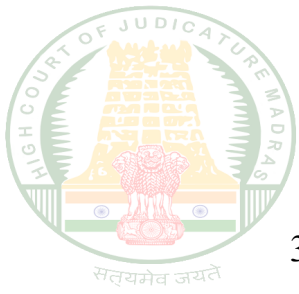
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ORDER

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This Criminal Original Petition has been filed by the petitioner to set aside the order passed by the Sessions Judge, Fast Track Mahila Court, Tiruvarur vide M.P.No.2 of 2024 in S.C.No.74 of 2023 dated 20.02.2025.

2. The case of the petitioners is that the petitioners are facing trial in S.C.No.74 of 2023 on the file of the Sessions Judge, Fast Track Mahila Court, Tiruvarur for the offence under Sections 417, 376, 294(b), 506(ii) of IPC read with Section 4 of TNPWH Act. The petitioners filed a petition under Section 311 Cr.P.C. to recall the witnesses viz. P.W.1 (survivor girl), P.W.2 (her father) and P.W.3 (her mother) for the purpose of re-cross- examination on the ground that the survivor girl (P.W.1) got married another person and became pregnant and continuing the case would adversely affect her marital life and the future of her unborn child and that they had compromised with P.W.1 to P.W.3. However, the learned Sessions Judge, without considering the same, dismissed the petition. Hence, challenging the same, the present petition is filed.



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3. Heard both sides and perused the materials available on record.

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4. It is seen that the said witnesses were already examined in chief and also cross examined and sufficient opportunity has been given to the petitioners. Further, P.W.1 has got married some other person and has become pregnant. The offence involved in this case under Section 376 IPC is grave in nature and not compoundable as per the Proviso under Section 320 Cr.P.C. Therefore, the learned Sessions Judge rightly dismissed the petition. This Court is not satisfied with the reasons assigned by the petitioners for recalling the witnesses.

5. Therefore, this Criminal Original Petition is dismissed.

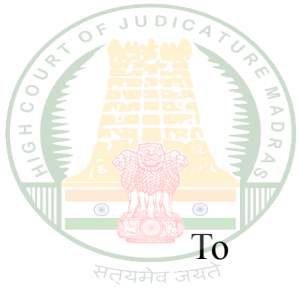
16.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Sessions Judge,
Fast Track Mahila Court, Tiruvarur
2. The Inspector of Police
All Women Police Station
Nannilam, Tiruvarur
3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN. J.

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