



Crl.M.P.No.13698 of 2025 in Crl.O.P.No.14033 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.13698 of 2025
in Crl.O.P.No.14033 of 2024

Sekar

... Petitioner

Vs

1. T.S.Gajendran
2. Dr.Amutha Arumugam
3. P.Murugan
4. The State represented by
Inspector of Police,
T-15 SRMC Police Station,
Porur, Chennai.
(Crime No.202 of 2024)

... Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to recall the order made in Crl.OP.No.14033 of 2024 dated 05.03.2024.

For Petitioner : Mr.M.Elumalai
For R1 to R3 : Mr.M.L.Ramesh
For R4 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed to recall the order made in Crl.OP.No.14033 of 2024 dated 05.03.2024.

2. The petitioner is the complainant in Crime No.202 of 2024. The



respondents 1 to 3 herein filed a petition to quash the FIR in Crime No.202 of 2024 for the offences punishable under Sections 147, 447, 294(b) and 506(1) of IPC. Originally, the petitioner herein lodged a complaint alleging that his wife, namely, Parimala, had purchased a property measuring a total extent of 2400 sqft comprised in Survey No.260/607 situated in Sakthi Nagar, Ganesh Avenue Layout, Porur Village, Maduravoyal Taluk, Thiruvallur District. However, the second accused who is also claiming title over the property, filed a suit in O.S.No.35 of 2014 on the file of District Munsif Court, Poonamallee, which was dismissed by the judgment and decree dated 07.02.2024. On 24.04.2024, when the petitioner herein visited the subject property, the third accused constructed superstructure in the suit property. When the same was questioned by the petitioner herein, the accused scolded him using filthy language and also threatened him with dire consequences.

3. However, at the time of filing quash petition, the respondents 1 to 3 herein impleaded the petitioner herein as a party to the Criminal Original Petition. Therefore, the petitioner himself filed a petition in Crl.M.P.No.14110 of 2024 in Crl.O.P.No.14033 of 2024 to implead himself as party to the petition. This Court, by an order dated 15.10.2024 allowed the said miscellaneous petition and impleaded the petitioner herein as second respondent in quash



petition. Thereafter, the quash petition was listed for final hearing on 05.03.2025 before this Court.

4. Though the Registry printed the name of the petitioner herein, failed to print the name of the counsel who appeared on behalf of the petitioner herein. It is also evident from the cause list dated 05.03.2025. Hence, this petition.

5. The learned counsel for the respondents 1 to 3 submitted that this Court printed the name of the petitioner herein in the cause list and passed order on merits. Therefore, no purpose would be served if the order is recalled.

6. Considering the above facts and circumstances of the case and also on perusal of records revealed that admittedly, the name of the counsel for the petitioner herein was not printed in the cause list dated 05.03.2025. Therefore, this Court recorded that though notice has been served, the second respondent has not entered appearance, either in person or through counsel and passed order in Crl.O.P.No.14033 of 2024, thereby quashing the FIR in Crime No.202 of 2024.



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7. On this ground alone, this Court is inclined to recall the order passed by this Court in Crl.O.P.No.14033 of 2024 dated 05.03.2025. Accordingly, the order passed by this Court dated 05.03.2025 in Crl.O.P.No.14033 of 2024 is hereby recalled. The Registry is directed to post the matter before regular bench.

26.08.2025
($\frac{1}{2}$)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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WEB COPY

To

1. The Inspector of Police,
T-15 SRMC Police Station,
Porur, Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



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G.K.ILANTHIRAIYAN. J.

mn

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