



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25488 of 2025

and

CRL MP NO.17248 of 2025

B.Chittybabu

Petitioner(s)

Vs

S.Balasundaram

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNS, to set aside the order dated 01.07.2025 made in CrI.MP. No. 7276 of 2025 in CC.No. 1053 of 2021 on the file of the learned XXV Metropolitan Magistrate, Egmore.

For Petitioner(s): Mr.N.Monokaran

For Respondent(s): Mr.P.Vasanth



ORDER

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This Criminal Original Petition has been filed to set aside the order dated 01.07.2025 made in CrI.MP. No. 7276 of 2025 in CC.No. 1053 of 2021 on the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. The petitioner filed a petition under Section 254(2) of Cr.P.C., in CrI.M.P.No.7276 of 2025 in C.C.No.1053 of 2021 on the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai. The learned Magistrate dismissed the same vide impugned order dated 01.07.2025. The petitioner challenged the order passed by the trial Court dismissing the application filed to examine the defence witness/ to examine himself and also other official witnesses namely the Sub Registrar and Income Tax Department Officials.

4. The learned counsel for the petitioner submitted that he never handed over the alleged cheque or title deed to the respondent. The alleged cheque and title deed were missed in the year of 2018 itself. The petitioner has given a



complaint and also obtained non-traceable certificate on 21.12.2018. Hence, the petitioner filed the abovesaid petition to examine himself to prove the entire facts.

5. On a perusal of the records, it is relevant to note that a similar petition had already been filed by the petitioner in Crl.M.P.No.1418 of 2024 before the trial Court and the trial Judge discussed the same elaborately, dismissed the said application on 23.4.2024. That order has reached its finality. Thereafter, several documents have been marked by both sides and the petitioner/accused has also examined himself. Once again, the petitioner has filed the said petition to examine the other witnesses to produce the non-traceable certificate for missing of title deeds.

6. It is relevant to note that the petitioner had obtained non traceable certificate is not a disputed fact. In fact, the other side has also admitted the same. When there is no relevancy at all and merely on the basis of whims and fancies of the petitioner, recall petition cannot be ordered. When this request was already rejected in the year 2024 and the matter had reached its finality. In such view of the matter, for the very same relief, the petitioner has filed this



criminal original petition. The trial Court has also after analysing the entire facts, dismissed the application filed by the petitioner.

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7. In view of the above facts and circumstances of the case,, this Court does not find any merit in this criminal original petition. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

09-10-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The XXV Metropolitan Magistrate,

Egmore, Chennai.



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N.SATHISH KUMAR J.

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