



Crl.OP.No.27611 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.27611 of 2025

and

Crl.M.P.No.18722 of 2025

K.P.Divya

... Petitioner

Vs.

E.Rithisha

... Respondent

Prayer: Petition filed under Section 528 of BNSS, to set aside the order passed by the learned XXVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.8 of 2025 dated 15.09.2025 in STC.No.5366 of 2022, dismissing the application filed under Section 311 of Cr.P.C.

For Petitioner : Mr.A.Saravanan

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned XXVII Metropolitan Magistrate, Saidapet, Chennai, dismissing the application filed under Section 311 of Cr.P.C., in Crl.M.P.No.8 of 2025 dated 15.09.2025 in STC.No.5366 of 2022.



WEB COPY 2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the petition filed by the petitioner under Section 311 of Cr.P.C., for further cross examination of PW1 was dismissed by the trial Court on the grounds that the witness have already been completely cross examined; only in order to drag the proceedings, the petition has been filed and also that there are no valid grounds to allow the petition. He contended that PW2 has filed one document claiming to be sent through email by the petitioner's husband acknowledging the liability of the petitioner and in this regard, he has to cross examine PW1 but the petition filed for recall of PW1 was dismissed by the trial Court. Aggrieved by the dismissal order of the trial Court, the present petition has been filed seeking the above relief.

4. I have perused the entire records available on record.

5. On perusal of the records, it is obvious that the cross examination of PW1 was completed by examining him on three occasions viz., on 15.05.2024, 26.07.2024 and 25.10.2024 and also taking into account, the



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submissions made by the learned counsel for the petitioner that if for verifying the details of the email document filed by PW2, PW2 has to be examined and not PW1. Such being the position, merely seeking to recall PW1 for verifying the document filed by PW2 without any valid ground, cannot be permitted by this Court. Therefore, I do not find any merits in the case of the petitioner.

6. In view of the aforesaid reasonings, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed.

10.10.2025

DP

To

- 1.The XXVII, Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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