



Crl.OP.No.30820 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.30820 of 2025

and

Crl.MP.No.21089 of 2025

R.Murugesan

...Petitioner

Vs.

P.Krishnan

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order passed in Crl.MP.No.6 of 2025 in C.C.No.860 of 2020 on the file of the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai dated 19.09.2025.

For Petitioner : Mr.R.Venkatesh

ORDER

This criminal original petition has been filed seeking quashment of the order dated 19.09.2025 made in Crl.MP.No.6 of 2025 in C.C.No.860 of 2020 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai.



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2. It is the case of the petitioner that the respondent/complainant filed a complaint under Section 200 of Cr.P.C. for the offence under Section 138 of the Negotiable Instruments Act, 1881 as against the petitioner in C.C.No.860 of 2020 before the trial court, in which, the petitioner filed a petition under Section 311 of Cr.P.C. in Crl.MP.No.6 of 2025 seeking to recall PW1 for further cross-examination. However, the trial court, vide impugned order dated 19.09.2025, had mechanically dismissed the said petition, on the ground that the same has been filed only to drag on the proceedings. Challenging the same, the petitioner has come up with this petition.

3. Learned counsel for the petitioner submitted that during the pendency of the case, the petitioner had settled a property in favour of the respondent/complainant towards discharge of the liability and hence, the petitioner filed the present petition seeking to recall the respondent/complainant, who examined himself as PW1 for cross-examination, in order to record the said transaction between them. However, the trial court, without taking into consideration the fact that the cross examination of PW1



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is absolutely necessary for arriving at a just and reasonable decision, had dismissed the same, which is not sustainable. Accordingly, he prayed for appropriate orders.

4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

5. It is not in dispute that the complaint is of the year 2020. It is evident from the materials placed on record that the respondent/complainant/PW1 was cross-examined in detail on two different dates, viz., 20.11.2023 and 22.01.2024. While such being the case, the petitioner had filed the present recall petition under Section 311 of Cr.P.C., in order to cross-examine PW1 again. However, the trial court finding that, even if it is presumed without admitting that the reason for which the petitioner seeks to recall PW1 for further cross-examination is true, filing of the present recall petition on 03.09.2025, which is after a lapse of about one and a half years from the date on which the PW1 has been cross-examined last, is nothing but a pure attempt on the part of the petitioner to drag on the proceedings



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and the petitioner had miserably failed to explain the said delay caused on his part and accordingly, dismissed the said petition, vide impugned order dated 19.09.2025.

6. Further, it is pertinent to note that the recall petition filed by the petitioner came to be dismissed as early as on 19.09.2025 and the petitioner had put the same to challenge before this Court by way of filing this petition only now, that too, when the matter has been posted for arguments, which cannot be acceded to. This attitude of the petitioner only fortifies the finding of the trial court that only to protract the litigation, the petitioner had filed the recall petition.

7. In view of the above, this Court holds that there is no infirmity or illegality in the impugned order passed by the trial court and hence, this court is not inclined to interfere with the same.



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8. For the reasons aforesaid, this criminal original petition stands dismissed. Consequently, the connected Miscellaneous petition is closed.

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skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The XXVII Metropolitan Magistrate Court,
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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