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Crl. O.P. No.1696 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

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

Crl. O.P. No.1696 of 2026

and

Crl.M.P.No.1099 of 2026

Parthiban

..Petitioner

Vs

The State represented by
The Inspector of Police,
Ponnerikarai Police Station,
Kancheepuram District.
(Crime No.784/2024)

..Respondent(s)

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to set aside the order dated 30.10.2025 made in Crl.M.P.No.1077 of 2025 in C.C.No.69 of 2024 pending on the file of Judicial Magistrate No.II, Kancheepuram.

For Petitioner : Mr.E.Haridass

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the order dated 30.10.2025 in Crl.M.P.No.1077 of 2025 in C.C.No.69 of 224 pending on the file of Judicial Magistrate Court No.II, Kancheepuram.



2. 2. The brief facts of the case are as follows :-

2.1. The petitioner is an accused facing trial in C.C.No.69 of 2024 before the learned Judicial Magistrate No.II, Kancheepuram, for the offences punishable under Sections 126(2), 296(b), 78(2), 75(2), 351(1) of BNS & Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.784 of 2024, on the file of the respondent Police.

2.2. In the said case, the petitioner/accused filed a petition in Crl.M.P.No.1077 of 2025 under Section 311 Cr.P.C., before the learned Judicial Magistrate No.II, Kancheepuram, to recall PW-1 to PW-3. The learned Judicial Magistrate, dismissed the petition, vide order dated 30.10.2025. Aggrieved over the same, the present petition has been filed.

3. Learned counsel for the petitioner submitted that PW-1 to PW-3 are necessary parties and if the petitioner is not permitted to re-call and cross-examine them, he will be put to grave hardship. Hence, he prays to set aside the order dated 30.10.2025.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner had cross-examined PW-1 to PW-3 fully on 19.07.2025 and finding that the petition was filed only to protract the proceedings, the learned Judicial



Magistrate had dismissed the petition and therefore, there is no infirmity in the impugned order.

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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. As per the learned Judicial Magistrate, the petitioner had cross-examined PW-1 to PW-3 fully on 19.07.2025. Therefore, this Court does not find any infirmity or illegality in the order passed learned Judicial Magistrate in Crl.M.P.No.1077 of 2025 dated 30.10.2025. Therefore, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

30-01-2026

Neutral Citation: Yes/No
MRN

To

1.The Inspector of Police,
Ponnerikarai Police Station,
Kancheepuram District.
(Crime No.784/2024)

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

MRN

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