



WEB COPY



Crl.O.P.No.4372 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4372 of 2026

and

Crl.M.P.No.3098 of 2026

Palanivel

... Petitioner

-Vs-

1.The State of Tamilnadu Represented by
The Inspector of Police
R-7 K.K.Nagar Police Station,
Chennai,
Tamilnadu.

2.Shanthakumar
3.Lakshmi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S, to call for the records in relation to S.C.No. 405 of 2023 pending before the III Additional Sessions Judge, City Civil Court, Chennai and quash the same, on the basis of compromise between the petitioner and the 2nd respondent/victim.

For Petitioner : Mr.Krishen.M

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl.O.P.No.4372 of 2026

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No. 405 of 2023 pending before the III Additional Sessions Judge, City Civil Court, Chennai, on the ground of compromise.

2. The learned counsel appearing for the petitioner submitted that the petitioner and the de facto complainant are friends. He submitted that the incident occurred while they were consuming liquor and in the heat of the moment, the petitioner assaulted the de facto complainant with an iron rod. He further submitted that the petitioner, on account of improper advice, has not cross-examined the witnesses so far and if the petitioner is not permitted to recall the witnesses and cross-examined them, it would amount to a case of no defence, resulting in grave prejudice to the petitioner; hence, a direction may be issued to the trial Court to recall the witnesses. He also submitted that the parties have now compromised the matter and the de facto complainant does not want to proceed further and the parties have filed a Joint Memo of Compromise to that effect.

3. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st respondent police submitted that in this matter, charges have been framed and the trial has commenced. He further submitted that PW.1 to PW.11 have



Crl.O.P.No.4372 of 2026

already been examined, and the case is now posted for the examination of the Investigating Officer on 10.03.2026. He further submitted that the accused has not cross-examined the witnesses so far.

4. At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw the Criminal Original Petition and has also made an endorsement to that effect. He further prays that the petitioner may be permitted to file a recall petition before the trial Court for the purpose of cross-examining the witnesses.

5. In view of the submission and endorsement made by the learned counsel for the petitioner qua withdrawal, this Criminal Original Petition is dismissed as withdrawn. Consequently, the connected Criminal Miscellaneous Petition is closed. The petitioner is permitted to file a petition seeking to recall the witnesses, who have been not cross-examined so far. The trial Court shall consider the same and recall the said witnesses and permit the petitioner to cross-examine them. It is made clear that the recall petition shall be filed within one week from the date of receipt of a copy of this order.

23.02.2026

Note: Issue Order Copy on 24.02.2026

Index : Yes/No

Neutral Citation: Yes/No

rpl

Page 3 of 4



WEB COPY



Crl.O.P.No.4372 of 2026

A.D.JAGADISH CHANDIRA . J,

rpl

To

1.The III Additional Sessions Judge, City Civil Court, Chennai.

2.The Inspector of Police
R-7 K.K.Nagar Police Station,
Chennai,
Tamilnadu.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.4372 of 2026

23.02.2026