



WEB COPY

CRL OP No. 5883 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE **M. NIRMAL KUMAR**

CRL OP No. 5883 of 2026
and Crl.M.P.No.4350 of 2026

C.Saravanan

..Petitioner

Vs

P.Murugan
S/o.P.Palani,
Prop. of M/s. Vadapalani Murugan
Industries (OPC) Pvt Ltd.,
No.12, 1st Floor,
Bye Pass Road,
Poonamallee,
Chennai - 600 056.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. r/w. Section 528 of BNSS, 2023, praying to call for the records relating to the order dated 08.01.2026 passed in Crl.M.P.No.4465 of 2025 by the learned Judicial Magistrate, FTC Court at Poonamallee and set aside the same and the petitioner to recall PW-1 for the purpose of cross examination, subject to any condition.

For Petitioner(s):

Mr.S.Kasirajan

ORDER

This criminal original petition has been filed to set aside the order dated 08.01.2026 passed in Crl.M.P.No.4465 of 2025 by the learned Judicial Magistrate, FTC Court at Poonamallee and the petitioner to recall PW-1 for the



purpose of cross examination.

2. The learned counsel appearing for the petitioner submitted that on the complaint preferred by the respondent, a case in S.T.C.No.675 of 2019 was taken on file by the learned Judicial Magistrate, FTC Court at Poonamallee. During pendency of the said case, the petitioner filed a petition under Section 311 of Cr.P.C./348 of BNSS, to recall P.W-1 for cross-examination. However, without considering the request of the petitioner and without assigning any reasons, the learned trial Judge dismissed the said petition by order dated 08.01.2026. Challenging the said order, the present Criminal Original Petition is filed.

3. Heard the learned Counsel appearing for the petitioner and perused the order dated 08.01.2026 passed in CrI.M.P.No.4465 of 2025 in S.T.C.No. 675 of 2025 by the learned Judicial Magistrate, FTC Court at Poonamallee.

4. On going through the impugned order, it is seen that the complainant side evidence was completed on 27.03.2023 and the case was posted for cross-examination on 03.05.2023, 11.07.2023, 19.08.2023, 05.09.2023 and 03.10.2023 and in all the hearings the complainant was present but the accused were not come forward to cross-examine the complainant. Thereafter, on 25.10.2023 the matter was referred to Lok Adalat. Finally, on



03.07.2024, after one year, it was reported that no settlement arrived.

Thereafter, the case was posted for cross-examination of P.W-1/Complainant on 22.07.2024 and 27.08.2024. After providing sufficient opportunity, the complainant evidence was closed, the case was posted for questioning under Section 313 of Cr.P.C. of the accused/petitioner and thereafter, the case was posted for defence side evidence on 07.11.2024 and 11.12.2024 but the accused failed to file any list of witness or produce any witness instead the petitioner had filed a petition to recall the complainant for cross-examination and the same was allowed on 17.12.2024 by imposing cost of Rs.500/-. Thereafter, the complainant was present. The petitioner/accused had failed to cross-examine him on 09.01.2025, 12.02.2025, 12.03.2025, 21.03.2025, 17.11.2025 and 12.05.2025 and finally cross-examination was closed on 08.07.2025. Thereafter, the case was posted for defence side evidence 30.07.2025 and again the same thing continued and the defence side evidence was closed. The respondent/complainant submitted his argument on 20.08.2025. However, Crl.M.P.No.4465 of 2025 was filed. Recording the above, the said petition was dismissed.

5. This Court finds that more than sufficient opportunity has been given to the petitioner but the petitioner had taken time. Despite presence of the complainant, the petitioner failed to cross-examine him on both occasions viz., prior to reference to Lok Adalat and after failure of Lok Adalat proceedings.



Now, the complainant had completed his arguments. Hence, this Court finds no reason to interfere with the impugned order dated 08.01.2026 passed in Crl.M.P.No.4465 of 2025 by the learned Judicial Magistrate, FTC Court at Poonamallee. However, considering the fact that the petitioner had so far not cross-examined the witness and as the petitioner seeks indulgence of this Court to give one chance to probabalize his defence, the petitioner is given one chance to cross-examine the respondent/complainant on 30.03.2026 on which date the case stands posted for hearing. If the petitioner fails to cross-examine the respondent/complainant on that date, the arguments of the defence side can be heard and the case can be posted for judgment.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRM

Note: Issue order copy on 27.03.2026



To
WEB COPY

The Judicial Magistrate,
FTC Court at Poonamallee.



WEB COPY

CRL OP No. 5883 of 2



M.NIRMAL KUMAR, J.

SRM

CRL OP No. 5883 of 2026

12-03-2026