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CRL OP No. 10010 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10010 of 2026

and

CRL MP No. 7137 of 2026

C.Madhu

..Petitioner

Vs

The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai.
(Crime No.7 of 2019)

..Respondent

Criminal Original Petition filed under Section 528 of BNSS to set aside the order dated 12.03.2026 passed in Crl.M.P.4 of 2026 in C.C.No.59/2021 on the file of the learned Metropolitan Magistrate, Additional Mahila Court at Egmore, Chennai, to recall the witnesses PW5 for cross examination.

For Petitioner:

Mr. S. Saravana Kumar

For Respondent:

Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order dated 12.03.2026 passed in Crl. M.P. No. 4 of 2026 in C.C. No. 59 of 2021 on the file



of the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and to recall PW5 for cross examination.

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2. The petitioner / accused is facing trial in C.C.No.59 of 2021 for offences under Sections 354 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. The learned counsel for the petitioner submitted that the petitioner had cross-examined the witnesses without any delay. PW5, who is an Inspector of Police in the Cyber Crime Wing, was examined in chief on 19.02.2026. On the very same day, the petitioner cross-examined the said witness and thereafter, the case was adjourned. Subsequently, the petitioner found that Ex.D6, a document furnished under Section 207 Cr.P.C., had not been confronted to PW5, the Investigating Officer. Hence, for that purpose, the petitioner filed a petition under Section 311 Cr.P.C., in Crl.M.P.No.4 of 2026. However, the trial Court, without properly considering the petitioner's plea, mechanically dismissed the petition, observing that PW1 had already been cross-examined twice and recalled on 19.02.2026, which is factually incorrect. Further, permitting further cross-examination of PW5, being the Investigating Officer, cannot be construed as a delay. Hence, the petitioner has filed the present petition.



4. The learned Additional Public Prosecutor for the respondent fairly submitted that PW5 is the Investigating Officer and that the petitioner had already cross-examined the witness on the same day i.e., 19.02.2026. The recording of the trial Court that PW5 was cross-examined twice is not proper.

5. Considering the submissions and upon perusal of the materials on record, it is seen that the trial Court has passed the impugned order dated 12.03.2026 mechanically, without properly verifying the facts. From the deposition, it is evident that on 19.02.2026, PW5, the Investigating Officer, was examined and cross-examined on the same day. For further cross-examination, the petitioner is required to file an appropriate petition.

6. In view of the above, the impugned order dated 12.03.2026 is set aside. The trial Court is directed to summon PW5, the Investigating Officer, for further cross-examination. The next hearing date is fixed as 12.05.2026.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

21-04-2026

Neutral Citation: Yes/No
AT



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M.NIRMAL KUMAR, J.

AT

To

- 1.The Metropolitan Magistrate, Additional Mahila Court,
Egmore, Chennai
- 2.The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

CRL OP No. 10010 of 2026 and
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