



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14098 of 2026

1. R.Dinesh

2. R.Rajesh

..Petitioner(s)

Vs

State by The Inspector of Police,
Central Crime Branch,
Team XV, Land Grabbing Cell,
Vepery, Chennai - 600 007.
Crime No.363/2019

..Respondent(s)

To call for the records and set aside the returned docket order dated 16.03.2026 made in unnumbered Crl.M.P. by the Metropolitan Magistrate, Central Crime Branch, CBCID Court, Egmore, Chennai and direct the Trial Court to conduct the investigation as per the provisions under Section 319 of Cr.P.C./358 of BNSS in C.C.No.5703 of 2023 on the file of Central Crime Branch, CBCID Court, Egmore, Chennai.

For Petitioner(s): M/s.R.Aparna

For Respondent(s): Mr.A.Amarnath,
Government Advocate (Crl. Side)



ORDER

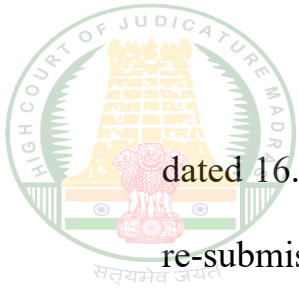
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This Criminal Original Petition has been filed seeking to set aside the returned docket order dated 16.03.2026 made in unnumbered CrI.M.P. by the Metropolitan Magistrate, Central Crime Branch, CBCID Court, Egmore, Chennai.

2. The petitioner/accused filed a petition under Section 319 Cr.P.C. in C.C.No.5703 of 2023 seeking to implead two persons as accused. The Trial Court returned the petition stating that, “*This petition is not maintainable. Hence this petition is returned.*”

3. The contention of the petitioner is that the Trial Court not considered the petition on merits. On perusal of the material, it is seen that the petition filed under section 319 Cr.P.C. was received on 20.02.2026. When the petition was listed on 25.02.2026, it was adjourned to 16.03.2026. However, on 16.03.2026, the petition was returned without any consideration on merits.

4. In view of the above, this Court finds that the return of the said petition is not proper. The Trial Court ought to have considered the petition on merits and passed appropriate orders. Therefore, this Court sets aside the docket order



dated 16.03.2026 and directs the petitioner to re-submit the petition. Upon such re-submission, the Trial Court, after hearing the petitioner, shall pass appropriate orders on its own merits and in accordance with law. Accordingly, this Criminal Original Petition is allowed.

5. The Registry is directed to return the original petition to the petitioner with due acknowledgment.

04-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS

To

1. The Metropolitan Magistrate, Central Crime Branch, CBCID Court, Egmore, Chennai

2. The Inspector of Police,
Central Crime Branch,
Team XV, Land Grabbing Cell,
Vepery, Chennai - 600 007.
Crime No.363/2019

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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