



Crl.OP(MD)No.3137 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.3137 of 2026
and Crl.M.P(MD).No.3373 of 2026

1.Rajmohan
2.Sathya

... Petitioners

Vs.

Jeyalakshmi

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to pass an order to set aside the order of the learned Judicial Magistrate, Nilakottai, Dindigul District, dated 12.11.2025 made in Crl.M.P.No.Unnumbered of 2025 in connection with D.V.C.No.26 of 2022 forthwith.

For Petitioners : Mr.N.Balasubramanian

ORDER

Seeking to set aside the order passed by the learned Judicial Magistrate, Nilakottai, Dindigul District, in Diary extract Crl.M.P.No.



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1121 of 2025 cancelling the earlier order allowing the petitioners to recall the witnesses on payment of costs of Rs.10,000/-, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that the first petitioner is the husband of the respondent. The respondent herein has filed a petition under the provisions of the Protection of Women from Domestic Violence Act in D.V.C. No. 26 of 2022 on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District. In the said proceedings, the Petitioners herein filed a recall petition under Section 151 of the Code of Civil Procedure. The learned Magistrate was pleased to allow the said recall petition by order dated 12.11.2025, subject to payment of costs of Rs.10,000/-. However, on the ground of non-payment of the said costs, the learned Magistrate subsequently recalled the earlier order allowing the recall petition. The said subsequent order recalling the earlier order is unsustainable in law and liable to be set aside. Hence, this petition.



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3.Since no adverse order is going to be passed by this Court, notice to the respondent is dispensed with.

4.Considering the facts and circumstances of this case, I don't find any demerit or necessity to interfere with the impugned order passed by the learned Judicial Magistrate, Nilakkottai, Dindigul District. However, for the ends of fair trial, the trial Court is directed to permit the petitioners to reopen the respondent's side evidence on payment of Rs.10,000/- within two weeks from the date of receipt of a copy of this order.

5.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

16.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

NOTE: Issue order copy on 17.02.2026



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To

1. The Judicial Magistrate, Nilakottai, Dindigul District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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