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CRL MP No. 4749 of 2026
in CrI.OP.NO.12867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

CRL MP No. 4749 of 2026
IN
CRL OP NO. 12867 OF 2024

M.G.Vasanthakumar
S/o. Gajendran,
114/116, Singanna Chetty Street,
Chintadripet, Anna Road,
Chennai - 600 002.

..Petitioner(s)

Vs

1. State Rep.by, The Inspector of Police,
District Crime Branch,
Dharmapuri District.
Cr.No.5 of 2024.
2. R.Munirathinam
S/o.Rajagopal,
No. 199, Thindalanoor Village,
Kadathur Post,
Pappireddipatti Taluk,
Dharmapuri District
3. M.Raja
S/o. Mani
Door NO.313,
Jolipudhur Village, Regadahalli Post,
Pappireddipatti Taluk, Dharmapuri - 635 301.

..Respondent(s)



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Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant permission to withdraw or transfer the sum of Rs.2,00,00,000/- deposited pursuant to the conditional orders dated 05.06.2025 passed in Crl.O.P.No.12867 of 2024, and order the same to be credited to my State Bank of India, Chintadripet Branch, Account No.20064323519, or through any other mode as this Honble Court.

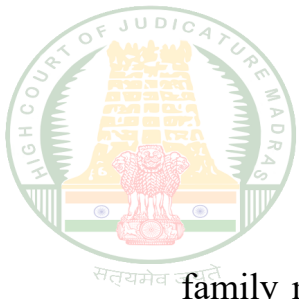
For Petitioner(s): Mr.N.R.Elango
Senior Counsel
for Ms. Sharada Vivek

For Respondent(s): Mr.N.Palanivel,
Govt.Advocate (Crl.Side) For R1
Mr.D.Shivakumaran For R2 & R3

ORDER

This Criminal Miscellaneous Petition has been filed to seek permission to withdraw or transfer the sum of Rs.2,00,00,000/- deposited pursuant to the conditional orders dated 05.06.2025 passed in Crl.O.P.No.12867 of 2024, and order the same to be credited to the petitioner's Account No.20064323519.

2.The brief facts which are necessary for disposal of this Miscellaneous Petition is that, the *de facto* complainant has filed a complaint alleges that in January 2018, the accused R.Munirathinam and M.Raja induced him and his

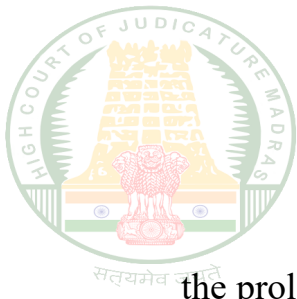


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family members to invest large sums of money in Green Park International School through false advertisements and promises of shares and management roles and thereby, the *de facto* complainant has invested the huge amount with the petitioner. While the accused filed a bail application in CrI.O.P.Nos.12867 & 12697 of 2024, this Court has imposed a condition to deposit a sum of Rs.2,00,00,000/- [Rupees Two Crores only], which was also later confirmed by the Hon'ble Supreme Court and thereby, the said amount was deposited on 15.09.2025. The present Miscellaneous Petition has been filed seeking permission to withdraw the said amount.

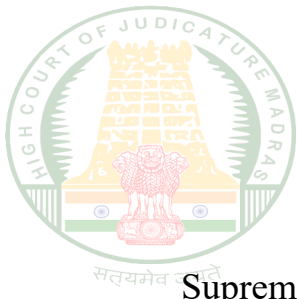
3.The learned Senior Counsel Mr.N.R.Elango would vehemently contend that even according to the reply notice dated 15.10.2019, as captured by this Court in the bail order, the respondent herein has agreed to settle the amount of Rs.5,00,00,000/- to this petitioner, whereas, it was the case of the *de facto* complainant that he is entitled for more than Rs.30,00,00,000/-. The learned Senior counsel would further submit that having agreed in the reply notice dated 15.10.2019 and having a sum of Rs.2.00 crores was deposited, there will not be any prejudice to the prosecution, while permitting the petitioner to withdraw the amount, as the petitioner being a victim and that



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the prolonged withholding of the said amount would result in severe financial loss to the petitioner. Hence, prayed to allow this petition.

4.*Per contra*, the said contention was stoutly objected by Mr.D.Shivakumaran, the learned counsel for the respondents 2 & 3 and would contend that though the bail was granted on condition to deposit a sum of Rs.2.00 crores to the credit of Crime No.5 of 2024, which was later on confirmed by the Hon'ble Supreme Court, both the Courts have not passed any order permitting the petitioner to withdraw the same. Therefore, as long as the criminal proceedings is pending, the disbursal of the amount cannot be considered as such deposit was only to the limited purpose of demonstrating the *bona fideness* of the bail application. The learned counsel would further contend that the documents which had been relied by the *de facto* complainant before the Investigating Officer clearly demonstrate the fabrication and forgery. Therefore, this respondent has a strong case of an acquittal. Hence, if any amount is withdrawn by the petitioner, it would prejudice his case. He would further submit that the petitioner cannot tilt the criminal case into a recovery proceedings. Hence, prayed to dismiss the petition. To substantiate his case, he relied upon the judgments of the Hon'ble



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Supreme Court in ***Ramesh Kumar Vs. State of NCT of Delhi*** reported in (2023) 7 SCC 461 and ***U.N.Gupta alias Udhav Narayan Gupta Vs. State of Bihar*** reported in 2024 SCC OnLine SC 5533.

5.I have given my anxious consideration to either side submissions.

6.It is not in dispute that this Court while granting bail to the 2nd respondent, has directed him to deposit a sum of Rs.2.00 crores as a condition precedent to get an anticipatory bail, which was also confirmed by the Hon'ble Supreme Court. Thereafter, the respondent also deposited a sum of Rs.2.00 crores, in Crime No.5 of 2024.

7.Now the point to be considered is, whether the petitioner is entitled to withdraw such amount? This is a criminal proceedings and the FIR was registered based upon the alleged cheating. But, the main ground urged by the petitioner is that the petitioner has cheated the huge amount, in which the amount, that has been deposited is only the portion. Therefore, he being the victim of the crime, is entitled to withdraw the said amount. To substantiate the same, he relies upon the admission made in the reply notice.

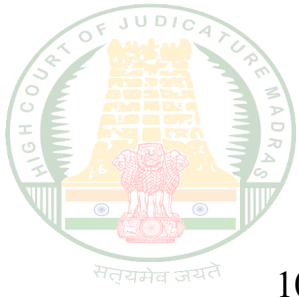


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8.At this juncture, the learned counsel for the respondents 2 & 3 would rely upon various agreements which were relied by the petitioner before the Investigating Officer, where the stamp papers are purchased at a later point of time, after the date of agreement which is quite illogical and *prima facie* proof of fabrication and forgery. He also refers about the agreement dated 31.03.2019, where the person, who drafted the agreement has not signed. He further relies upon some antedated agreement. In this above backdrop, it is too premature to arrive at a conclusion on the veracity of those agreement and, any finding by this Court at this stage would prejudice either parties. Therefore, this Court does not want to go into the merits of those matters. However, for the purpose of deciding this petition, this Court may arrive at a limited conclusion that there is a case for hot contest between both the parties, and it is too premature to come to any conclusion.

9.As held by the Hon'ble Supreme Court in various decisions [cited *supra*], the criminal proceedings cannot be converted into a recovery proceedings.



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10. In such view of the above factual position, this Court absolutely does not find any merits in this petition. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

14-07-2026

KMI

To

1.The Inspector of Police,
District Crime Branch,
Dharmapuri District.

2.The Public Prosecutor,
Madras High Court.



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C.KUMARAPPAN J.

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