

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.12208 of 2017

1. P.S.Panchabakeswaran

2. Sreelakshmi Vasant Shinde

3. S.Meganathan

...Petitioner

Vs.

The Inspector of Police,
Thirumullaivoyal Police Station,
Thiruvallur District.

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct Judicial Magistrate-II, Poonamallee to return the deposit amount a sum of Rs.4,50,000/- made by the petitioners on 31.10.2011 into the credit of Crime No.931 of 2011 by dividing the said amount into three parts and pay the same to each petitioner a sum of Rs.1,50,000/- in accordance with law.

For Petitioner : Mr.A.Athimoolam

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed seeking for a direction to the Judicial Magistrate-II, Poonamallee to return the deposit amount of a sum of Rs.4,50,000/- made by the petitioners pursuant to the orders passed by this Court in Crl.O.P.No.22322 of 2011.

2. The petitioners were shown as an accused in Crime No.931 of 2011 for the offences under Sections 406 and 420 of IPC. The petitioners apprehended arrest and therefore filed an anticipatory bail petition before this Court in Crl.O.P.No.22322 of 2011. This Court while granting anticipatory bail, directed the petitioners to deposit a sum of Rs.1,50,000/- each and thereby a total amount of Rs.4,50,000/- has been deposited in

Crime No.931 of 2011, before the Judicial Magistrate-II, Poonamallee.

3. The learned counsel for the petitioners submitted that the dispute was subsequently compromised with the defacto complainant and the property in question was also sold in favour of the defacto complainant and the defacto complainant in turn had sold the property in favour of one G.Ramesh in the year 2016. The learned counsel submitted that in view of this development, nothing more survives in this case and the petitioners must be permitted to withdraw the amount deposited in Crime No.931 of 2011.

4. The learned Government Advocate appearing on behalf of the respondent police submitted that there is no indication for having filed any final report in this case.

5. Taking into consideration the facts and circumstances of the case, the petitioners are at liberty to file an application before the learned Judicial Magistrate-II, Poonamallee for return of the deposit amount of Rs.4,50,000/- The Court below shall enquire and see if the issue has already been compromised between the parties. In such an event, the Court below shall permit the petitioners to withdraw the amount deposited by them to the credit of Crime No.931 of 2011. This process shall be completed within a period of four weeks from the date of filing of the application by the petitioners.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

सत्यमेव जयते Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate-II,
Poonamallee.

2. Do Thro The Chief Judicial Magistrate,
Thiruvallur.

3. The Inspector of Police,
Thirumullaivoyal Police Station,
Thiruvallur District.

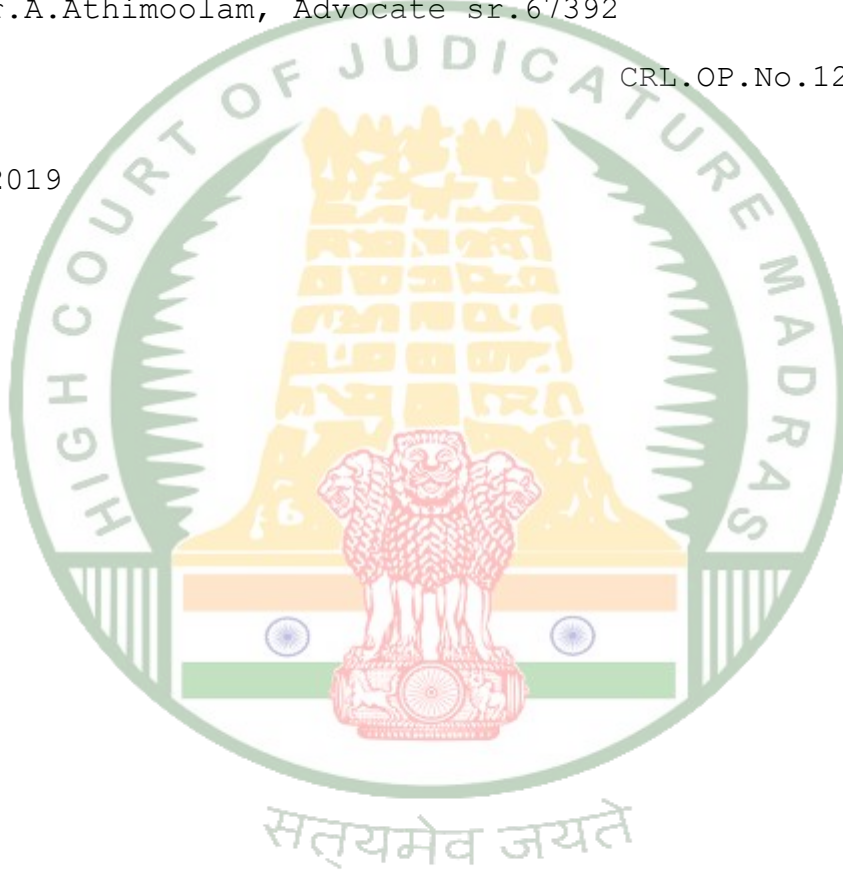
4.The Government Advocate (Criminal Side)
High Court, Madras.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Athimoolam, Advocate sr.67392

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