

Crl.M.P.No.15122 of 2019
in
Crl.O.P.No.30704 of 2012

M.NIRMAL KUMAR, J.

The petitioner is an accused in C.C.No.6488 of 2012, which was pending on the file of Chief Judicial Magistrate, Egmore, Chennai. The defacto complainant in this case is none other than his wife. During initiation of the case, the petitioner had filed anticipatory bail before the Sessions Court and he was granted anticipatory bail. The petitioner then came to know that a Look Out Circular was issued against him. Thereafter he had filed Crl.O.P.No.30704 of 2012 before this Court seeking a direction to withdraw the look out circular.

2. This Court, by order dated 4.1.2013 had withdrawn the Look Out Circular issued against the petitioner on condition that the petitioner to deposit a sum of Rs.10 lakhs to the trial court in the name of his minor child Amritha. Pursuant to that, the petitioner had taken out Fixed Deposit Receipt in Canara Bank bearing No.838231 in Kamadhenu Deposit General Scheme on 5.1.2013 for Rs.10 lakhs.

3. It is also seen from the letter dated 9.1.2013 of the Chief Metropolitan Magistrate, wherein, he had acknowledged the deposit of Fixed Deposit Receipt dated 5.1.2013 for Rs.10 lakhs in the name of Miss.Amritha

Viswanathan before the trial court.

4. In the meanwhile, on completion of investigation, charge sheet was filed. During the pendency of the trial, the petitioner and defacto complainant/wife Doctor D.Sangeetha had entered into a compromise and a compromise memo dated 4.9.2019 is filed, wherein, para 5 reads as follows;

'5. The parties further agreed that the fixed deposit a sum of Rs.10 lakhs deposited by the petitioner before the learned Chief Metropolitan Magistrate Court at Egmore, Chennai, can be obtained by the petitioner with accrued interest.'

4. Pursuant to the compromise memo, the petitioner had moved Crl.O.P.No.23844 of 2019 to quash C.C.No.6488 of 2012. This Court, after recording the compromise and also hearing the petitioner and the defacto complainant, by its order dated 4.9.2019 has quashed the proceedings in C.C.No.6488 of 2012 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai. This petition is filed seeking direction to direct the Chief Metropolitan Magistrate, Chennai to return the original Fixed Deposit Receipts dated 5.1.2013 which was deposited by the petitioner in the name of his daughter Amritha at Canara Bank, Chennai Pudur Ambattur Branch.

5. Considering the compromise and the defacto complainant in agreement for the petitioner to receive back Fixed Deposit with accrued

interest, now nothing survives in C.C.No.6488 of 2012.

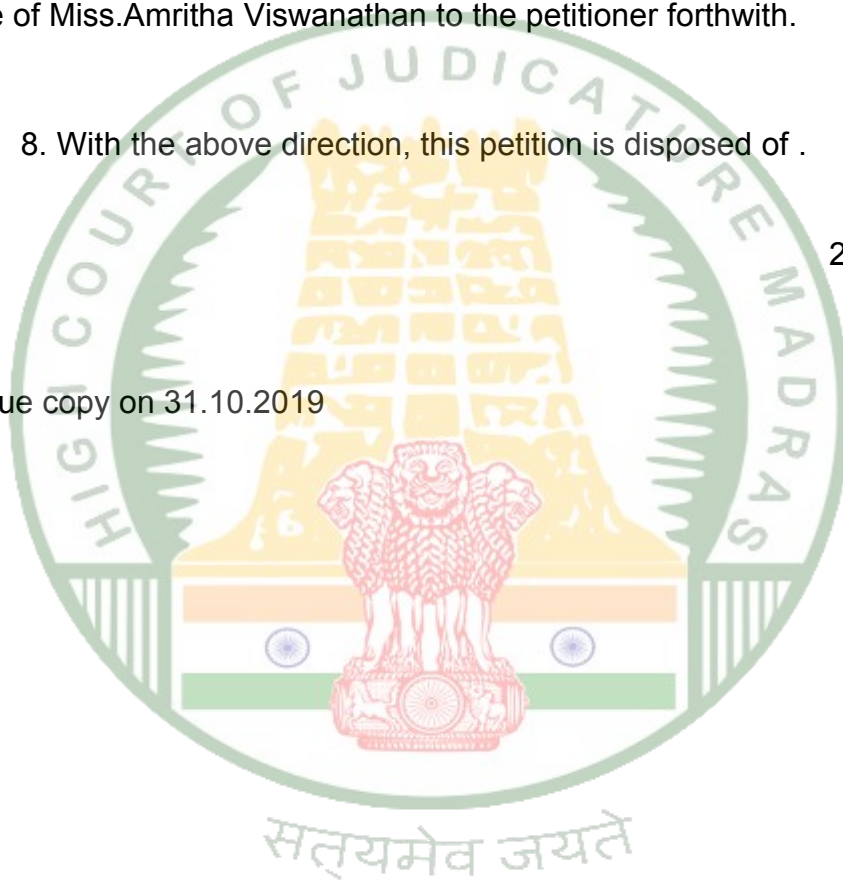
7. In view of the same, the Chief Metropolitan Magistrate, Egmore is directed to return the Fixed Deposit Receipts dated 05.1.2013 standing in the name of Miss.Amritha Viswanathan to the petitioner forthwith.

8. With the above direction, this petition is disposed of .

24.10.2019

msr

Note: Issue copy on 31.10.2019

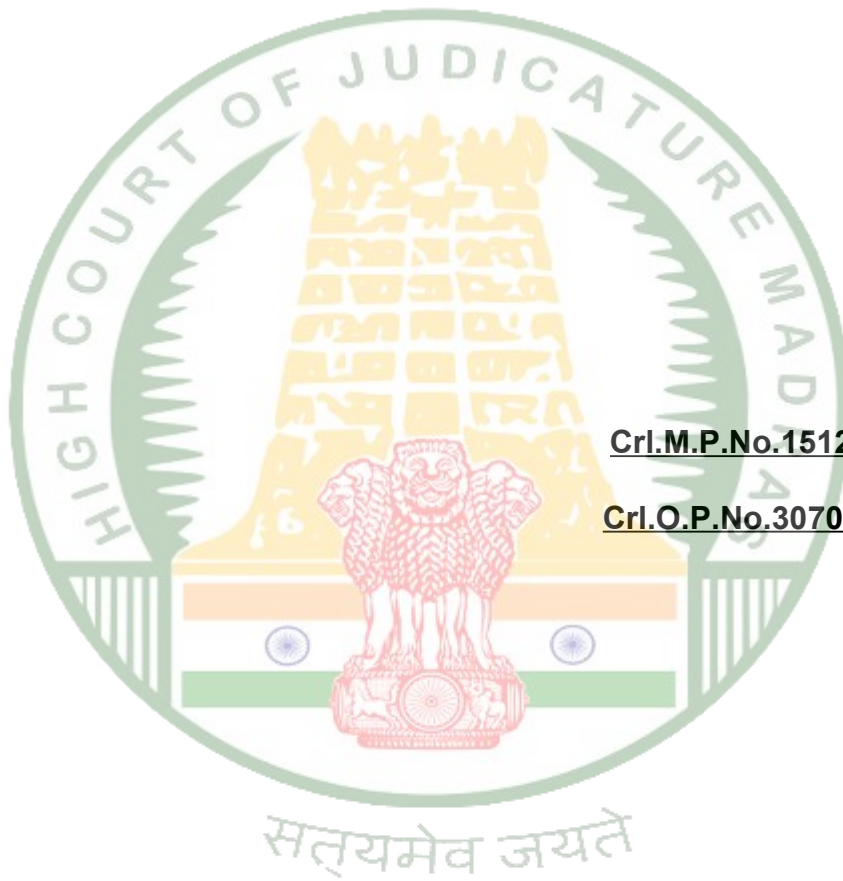


WEB COPY

Crl.M.P.No.15122 of 2019
in
Crl.O.P.No.30704 of 2012

M.NIRMAL KUMAR. J.,

msr



Crl.M.P.No.15122 of 2019
in
Crl.O.P.No.30704 of 2012

WEB COPY

24.10.2019