



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP (MD) No.3219 of 2019

IN

CRL OP (MD) No.4071 of 2018

PAVITHRA

... PETITIONER/RESPONDENT/
DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUMANGALAM,
MADURAI DISTRICT
(CRIME.NO.14/2018)

2 ISSAC PREMANAND
3 MICHEAL RAJ
4 R.IMMACULATE EMELDA JEEVARANI
5 M.JOE RAJARUBAN
6 IVY JEBA
7 ARUL SANTHOSH

... RESPONDENT/ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the order passed by this Honourable Court and directing the learned Judicial Magistrate, Tirumangalam to disburse the amount deposited by the 2nd respondent herein to the credit of Cr.No.14/2018 on filing of the withdrawal petition filed by the petitioner in Crl.OP.No.4071/2018 dated 01.11.2018.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MAHENDRAPATHY, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor for R1 and MR.S.ANANDHA RAJAGOPAL, Advocate for R2, the court made the following order:-

This petition has been filed to modify the order passed by this Court and directing the learned Judicial Magistrate, Tirumangalam to disburse the amount deposited by the second respondent herein to the credit of Cr.No.14 of 2018 on filing of the withdrawal petition filed by the petitioner in Crl.OP.No.4071 of 2018 dated 01.11.2018.



2.The petitioner is the wife of the second petitioner. She lodged a complaint before the respondent police as the petitioner has demanded dowry from her. For which, the respondent police registered a case in Crime No.14 of 2018 against the second respondent and his family members. The respondents/Accused persons filed an anticipatory bail petition before this Court in CrI.O.P.No.4071 of 2018 and the petitioner also filed a intervene petition before this Court in CrI.M.P.No.2247 of 2018 and the same was came up for hearing on 01.11.2018 and after consideration, this Court has granted anticipatory bail to the respondents/Accused persons with a condition that the second respondent has to deposit a sum of Rs.1,00,000/- to the credit of Crime No.14 of 2018 and the same was complied by the second respondent.

3.The learned counsel for the petitioner would submit that in order to urgent need of money, the petitioner is approached this Court to modify the order passed by this Court by directing the learned Judicial Magistrate, Tirumangalam to disburse the amount deposited by the second respondent herein to the credit of Crime No.14 of 2018 on filing of the withdrawal petition filed by the petitioner.

4.The learned counsel for the second respondent would submit that both the D.V.O.P & H.M.O.P petitions are pending before the learned Judicial Magistrate, Tirumangalam. Hence, the petitioner has no right to withdraw any amount deposited in the Crime number by the second respondent till the disposal of the petitions. The marriage was solemnized in the year 2017. They were lived together only for three months. Within three months, disputes arose between the petitioner and the second respondent. Hence, he vehemently opposed to disburse the amount infavour of the defacto complainant.

5. The learned Additional public Prosecutor did not dispute the above facts made by the learned counsel for the second respondent.

6. Considering the fact and circumstance of the case and considering the submission made by the learned counsel for the second respondent, this Court is inclined to modify the condition that the petitioner is permitted to withdraw the amount by filing an affidavit before the Trial Court on condition that if she lose the criminal case, she has to deposit the withdrawal amount in the said Crime No.14 of 2018.

sd/-
16/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUMANGALAM,
MADURAI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.S.ANANDHA RAJAGOPAL, Advocate SR.No.6847

ORDER

IN

CRL MP (MD) No.3219 of 2019

IN

CRL OP (MD) No.4071 of 2018

Date :16/04/2019

DSS

PK/JC/SAR-1/08.05.2019 : 3P/6C