



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.O.P. (MD) .No. 4327 of 2019

Periyavar

... Petitioner

Vs.

1. The Inspector of Police,
Melur Police Station, Melur,
Madurai District.
(Crime No. 429 of 2018).

2. Nathar Ali Maniyam

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to permit the petitioner to withdraw a sum of Rs.2,00,000/- which is deposited in O.S. No. 116 of 2018 on the file of the District Munsif Court, Melur in connection with the Crime No.429 of 2018 on the file of the 1st respondent police.

For Petitioner	: Mr.T. Vadivelan
For Respondent-1	: Mr.K.Suyambulinga Bharathi Government Advocate (Cr1. Side)

ORDER

The Criminal Original Petition has been filed to permit the petitioner to withdraw a sum of Rs.2,00,000/-which is deposited in O.S. No. 116 of 2018 on the file of the District Munsif Court, Melur in connection with the Crime No.429 of 2018 on the file of the 1st respondent police.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a complainant and he lodged a complaint as against the second respondent alleging that the second respondent has received a sum of Rs. 2 lakhs and thereafter refused to return the same and on a complaint the first respondent has registered a case in Crime No. 429 of 2019 for the offences under Sections 406, 418 and 420 of IPC. The second respondent has approached this Court in Cr1.O.P.(MD) No. 12218 of 2018 for anticipatory bail and this Court has granted anticipatory bail on condition that the second respondent shall deposit a sum of Rs. 2 lakhs in O.S. No.116 of 2018 on the file of the District Munsif Court, Melur. He would further submit that the said suit filed by



the second respondent for injunction as against the petitioner and the deposited amount is lying with the said suit.

3. Considering the facts and circumstances, the petitioner is at liberty to file an appropriate petition before the trial Court in O.S. No.116 of 2018 on the file of the District Munsif Court, Melur for withdrawal of the said amount. On receipt of such application, the learned District Munsif, Melur is directed to pass an orders on merits and in accordance with law, after issuing notice to the second respondent.

4. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Munsif,
Melur, Madurai District.
2. The Inspector of Police,
Melur Police Station, Melur,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-102525[F] dated 29/11/2019)

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SDS(07.01.2020) 2P-5C