



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/02/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) Nos.734 and 735 of 2020
in
CRL OP(MD). No.18563 of 2019

G.Sulochana ... Petitioner/Accused No.2
in both Crl.M.Ps

Vs

State Rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(In Crime No.452 of 2018)

... Respondent/ Respondent
in both Crl.M.Ps

K.S.Santhosh Kumar ... Petitioner/ Defacto Complainant
in CRL MP(MD)No.1078 of 2020
in CRL OP(MD)No.18563 of 2019

(in both Crl.M.Ps)

For Petitioner : M/s.S.Marshall, Advocate

For Respondent : Mr.A.Robinson,

Government Advocate (Crl.Side)

For Intervenor : Mr.J.Jeyakumaran, Advocate

PRAYER in CRL MP(MD). No.734 of 2020 :-

To modify the condition Nos.4 and 5 imposed in the order made in Crl.OP.(MD) No.18563 of 2019 dated 18.12.2019 on the file of this Hon'ble High Court and shall permit the petitioner to surrender before any other Magistrate.

PRAYER in CRL MP(MD). No.735 of 2020:-

To extend the time granted to comply with the condition in the order passed by this Hon'ble Court in Crl.OP.(MD) No.18563 of 2019 dated 18.12.2019.

COMMON ORDER : The Court Made the following order :-

The defacto complainant in this case is one Santhoshkumar. Crime No.452 of 2018 was registered on the file of the Inspector of
<https://hcservices.ecourts.gov.in/hcservices/>



Police, Srivilliputhur Town Police Station, Virudhunagar District for the offences under Sections 420, 294(b) and 506(i) of I.P.C.

2.The petitioner herein namely., Mrs.G.Sulochana who is the wife of A1 filed a petition for anticipatory bail. The same was allowed with certain conditions. The petitioner did not comply with the said conditions. She thereafter filed a fresh petition for anticipatory bail. I suggested that if the petitioner instead of depositing the sum directly pays the same to the defacto complainant as non-refundable payment, the matter can be closed as far as she is concerned. The said suggestion is acceptable to the defacto complainant also. The petitioner has paid a sum of Rs.10,00,000/- to the defacto complainant by way of three demand drafts and by transferring a sum of Rs.10,000/- from her account to his account. Since the negotiations hit a road block, the defacto complainant took a demand draft in favour of the petitioner herein and the same is being returned in my presence. Thus, both the counsel agree that the petitioner had paid a sum of Rs.10,00,000/- for the purpose getting herself exonerated from the criminal case on hand.

3.The respondent police is instructed to file an alteration report before the Jurisdictional Magistrate deleting the petitioner from the array of accused. Since the petitioner is no longer an accused in this case, she need not have any apprehension of arrest. Therefore, these criminal miscellaneous petitions are disposed by directing that the petitioner will not have to face any prosecution in view of having paid a sum of Rs.10,00,000/- to the defacto complainant.

4.It is made clear that the case on hand will proceed as against the remaining accused as per law. Likewise, the other remedies open to the defacto complainant are also not closed. The only relief that is given to the petitioner herein is that she will not face any further prosecution. The rights and remedies of the petitioner herein in the civil proceedings are left open.

sd/-
10/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-2685[I] dated 10/02/2020)

+2 CC to M/s.S.MARSHALL, Advocate (SR-2624[I] dated 10/02/2020)

ORDER IN
CRL MP(MD) Nos.734 and 735 of 2020
IN CRL OP(MD) No.18563 of 2019
Date :10/02/2020

MS/VR/SAR-2/14.02.2020/3P.8C