

**Crl.M.P.No.7009 of 2021 in
Crl.O.P.No.14000 of 2020**

M.DHANDAPANI,J.

This petition has been filed by the petitioners to permit them to withdraw the cash of Rs.20 lakhs deposited before the learned Judicial Magistrate No.I, Pollachi, to the credit of Cr.No.1173 of 2020 as per the direction of this Court in Crl.O.P.NO.14000 of 2020, dated 29.09.2020.

2. The case of the prosecution is that the property of A1 was brought on auction due to default in paying the loan amount to the Bank and to save the petitioner's land, the petitioner induced the defacto complainant to pay a sum of Rs.19,00,000/- to the Bank for avoiding auction on the assurance of executing Sale Deed in respect of the auctioned property in favour of the defacto complainant. On the assurance given by the 1st petitioner, the defacto complainant has paid a sum of Rs.19,00,000/- and thereafter, the petitioners have cheated him by not executing the Sale Deed. Hence the complaint.

3. This Court, vide order dated 29.09.2020, in Crl.O.P.No.14000 of

2020, based on the undertaking that the petitioner shall deposit a sum of Rs.20 lakhs to the credit of Crime Number, had granted bail to the petitioners.

4. It is the submission of the learned counsel appearing for the petitioners that the Civil Suit filed by the defacto complainant for possession of the property in question, was referred to the Lok Adalat conducted by the District Legal Services Authority, Coimbatore and the dispute was amicably settled between the parties before the Lok Adalat in terms of settlement and the petitioners have also executed the Sale Deed in favour of the defacto complainant in Doc.No.3192 of 2021, on the file of the Sub Registrar Office, Pollachi. Hence the petitioners are entitled to get the deposited amount in Crime Number which was paid as directed by this Court and prays leave of this Court to permit the petitioner to withdraw the same.

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5. The learned Government Advocate (Crl.Side) also fairly conceded the said statement submitted on behalf of the petitioners.

6. This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

7. It appears that the defacto complainant has no further claim as against the petitioners in view of the settlement arrived at in the Lok Adalat and the subsequent sale deed executed between the parties. In view of the above, I am inclined to grant liberty to the petitioner to file a petition under Section 451 Cr.P.C before the Trial Court. If such petition is filed, the Trial Court may disburse the amount in favour of the petitioners, after hearing the defacto complainant and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

8. This Criminal Miscellaneous Petition is disposed of with the above observations.

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