



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.7147 of 2021

IN CRL OP.25892/2015

M.AMUDHA

[PETITIONER]

Vs

1 P.MARIAPPAN

[RESPONDENTS]

2 STATE REP.BY
THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
POLUR, THIRUVANNAMALAI DISTRICT.

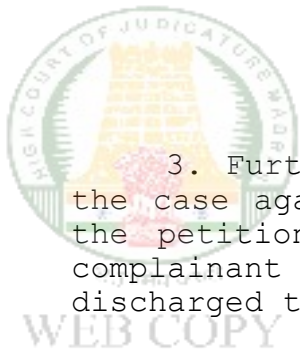
3 V.PALANIYANDI

Petition praying that in the circumstances stated therein the High Court will be pleased to refund the amount at Rs.1 lakh (Rs.1,00,000/-) deposited in Crime No.497 of 2015 in C.C.No.5 of 2016 on the file of the Judicial Magistrate Polur, Thiruvannamalai District as directed in Crl.O.P.No.25892 of 2015 dated 16.10.2015.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.G.RADHAKRISHNAN, Advocate for the petitioner and of Mr.C.E.Pratap Government Advocate (Crl. Side)(R-2)on behalf of the Respondent the court made the following order:-

The case of the prosecution is that the defacto complainant made a complaint before the law enforcing agency stating that the petitioner herein and her husband received a sum of Rs.7,00,000/- for getting a job. However they failed to get any job for the defacto complainant and repaid the part amount of Rs.1,48,000/- and the balance amount was not paid. The case was registered in Cr.No.497 of 2015.

2. This Court vide order dated 20.10.2015 in Crl.O.P.No.25892 of 2015 had granted anticipatory bail to the petitioner and her husband, on condition to deposit a sum of Rs.1 lakh in two instalments. Thereafter, Cr.No.497 of 2015 was culminated into a Charge Sheet in C.C.No.5 of 2016, on the file of the Judicial Magistrate, Polur. Challenging the said C.C.No.5 of 2016, the petitioner and her husband also filed Crl.O.P.No.4606 of 2016, for quashment of the same.



3. Further more, this Court vide order dated 21.04.2016, quashed the case against the petitioner and her husband, on the ground that the petitioners therein had paid the entire amount to the defacto complainant to the tune of Rs.7 lakhs and the Lower Court also discharged the petitioner from the case in C.C.No.5 of 2016.

4. The submission of the learned counsel appearing for the petitioner is that at the time of granting anticipatory bail, this Court has imposed a condition to pay a sum of Rs.1 lakh to the Crime Number. The petitioner and her husband, in compliance of the said condition, made payment to the Crime Number and now the amount lies in the credit of said Crime Number. In view of the fact that the petitioner and her husband had settled the entire amount to the defacto complainant, this Court may permit the petitioner to withdraw the amount of Rs.1 lakh. Further the learned counsel for the petitioner submitted that in order to withdraw the amount, as the case against the petitioner and her husband also was discharged, the present petition is filed.

5. The learned Government Advocate (Crl.Side) did not dispute the facts submitted by the learned counsel appearing for the petitioner.

6. In view of the above fact that this Court has already quashed the case against the petitioner and her husband, there is no legal impediment to return the money to the petitioner and her husband, which was deposited as per the condition of this Court, while granted anticipatory bail. Hence I am inclined to issue direction to the Trial Court to refund the amount to the petitioner and her husband.

7. For the aforesaid reasons, this Court issues direction to the Judicial Magistrate Polur, Thiruvannamalai District, to refund the amount of Rs.1 lakh, to the petitioner and her husband, which lies in the credit of Cr.No.497 of 2015 in C.C.No.5 of 2016, within a period of two weeks from the date of receipt of a copy of this order. Thereby, this Criminal Original Petition stands allowed.

-sd/-

03/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
POLUR

WEB COPY

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
POLUR POLICE STATION, POLUR,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.G.RADHAKRISHNAN Advocate on payment of necessary
charges

Order

in
CRL MP.7147/2021

in
CRL OP.25892/2015

Date :03/08/2021

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RVR 13/08/2021