



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

Monday, the Sixth day of December Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.6643 of 2021

IN

CRL OP(MD) No.16506 of 2018

1. ARUNKUMAR
2. MALLIKA
3. JEYAPRABA
4. KRISHNAN

... PETITIONERS/PETITIONERS

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI,
TRICHY DISTRICT.
(CRIME NO. 7/2018).

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order permitting the petitioners to withdraw Rs. 1,00,000/- amount deposited by the petitioners in Crime No. 7 of 2018 in CC No. 6 of 2019 before Judicial Magistrate, Manapparai, Trichy District in Crl O.P(MD) No. 16506 of 2018 order dt. 24.09.2018.

ORDER : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JOEL PAUL ANTONY A, Advocate for the petitioner and of Mr.M.VAIKKAM KARUNANITHI, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking an order permitting the petitioners to withdraw Rs.1,00,000/- amount that has been deposited by the petitioners in Crime No.7 of 2018 in C.C.No.6 of 2019 on the file of the learned Judicial Magistrate, Manapparai, Trichy District, in pursuance of the order passed in Crl.O.P.(MD)No.16506 of 2018, dated 24.09.2018.

2.In Crl.O.P.(MD).No.16506 of 2018, this Court has granted anticipatory bail to the petitioners on condition that they must deposit a sum of Rs.1,00,000/- to the credit of Crime No.7 of 2018 on the file of respondent police before the trial Court.



3.Now the learned counsel for the petitioner submitted that after completion of the investigation, final report has been filed before the learned Judicial Magistrate, Manapparai and the same was taken cognizance by the trial Court in C.C.No.6 of 2019. When the matter was tried by the concerned Judicial Magistrate, there was some compromise reached between the parties and because of that all witnesses were turned into hostile. Pursuance of which, a Judgment of acquittal has been passed by the trial Court on 02.01.2020 acquitting all the accused persons from the charges that has been framed against them. Subsequent to that the petitioners have filed a petition to withdraw the amount that has been deposited to the credit of the Crime No.7 of 2018, but that petition came to be returned by the trial Court stating that no order has been passed by this Court.

4.Considering the fact that the matter has been ended in acquittal after compromise, a report was called for from the respondent police as to whether any appeal has been preferred by the State or by the defacto complainant. Now, it is informed that no appeal has been filed either by the defacto complainant or by the State. Hence, the cause of action has now become infructuous. The petitioners are entitled for refund of the deposit that has been made by them before the trail Court.

5.Let the petitioners file a petition jointly before the concerned Court. On such receipt of the petition, the concerned trial Court shall process the same and refund the amount after due acknowledgement as per Rules.

6.With the above directions, this criminal miscellaneous petition is disposed of.

sd/-
06/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP(MD) No.6643 of 2021
IN
CRL OP(MD) No.16506 of 2018
Date :06/12/2021

tm
USK/VR/SAR-IV/ (09.12.2021) 3P-5C