



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.735 of 2020

S.Adbul Gafoor

... Revision Petitioner/Petitioner
Vs.

1.The State represented by,
The Inspector of Police,
Courtallam Police Station,
Courtallam,
Tenkasi District.
(Crime No.380 of 2020).

... 1st Respondent/1st Respondent

2.Nagoor Meeran

3.Nazeer

4.Anilkumar

5.Manikandan

6.Satheeshkumar

... Respondents 2 to 6/
Respondents 2 to 6

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Shencottah in Cr.M.P.No.2132 of 2020, dated 07.12.2020 and set aside the same and consequently direct the learned District Munsif cum Judicial Magistrate, Shencottah to return the property namely currency worth of Rs.45,00,000/- remanded in P.R.No.182 of 2020 as interim custody to the petitioner.

For Petitioner : Mr.M.U.Shameem John

For R - 1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For RR 2 to 6 : Mr.R.J.Karthick

ORDER

This revision has been filed as against the order passed in Cr.M.P.No.2132 of 2020, dated 07.12.2020, on the file of the learned District Munsif cum Judicial Magistrate, Shencottah, thereby dismissing the petition for return of property, namely currency worth of Rs.45,00,000/- deposited in P.R.No.182 of 2020.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the respondents 2 to 6.

3. On the complaint lodged by the petitioner, F.I.R has been registered against the respondents 2 to 6 in Crime No.380 of 2020 for the offences under Sections 395 and 397 of I.P.C. After completion of investigation, the first respondent filed a final report and the same has been pending for taking cognizance in P.R.C.5 of 2021 on the file of the learned Judicial Magistrate, Shencottai. Further, in the mean time, the petitioner and the respondents 2 to 6, after six hearings, have settled the issue between themselves. They entered into a compromise and filed a quash petition before this Court in Crl.O.P(MD)No.2551 of 2022 and this Court by an order, dated 04.02.2022, quashed the proceedings in P.R.C.No.5 of 2021.

4. In view of the compromise entered between them, the order passed in Cr.M.P.No.2132 of 2020, dated 07.12.2020 on the file of the learned District Munsif cum Judicial Magistrate, Shencottah, is set aside and the Criminal Original Petition is allowed. The learned District Munsif cum Judicial Magistrate, Shencottah, is directed to return the cash of Rs.45,00,000/- (Rupees Forty Five Lakhs Only) to the petitioner forthwith.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

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 District Munsif cum Judicial Magistrate,
Shencottah.

2. The Inspector of Police,
Courtallam Police Station,
Courtallam, Tenkasi District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-12902[F] dated 18/03/2022)

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Order made in
Cr1.R.C(MD)No.735 of 2020
17.03.2022

ps
MS/18.03.2022/3P.5C