



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twelfth day of October Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP(MD). No.10683 of 2022
in
CRL OP(MD).No. 2096 of 2022

Aashiq Imran ... Petitioner/Petitioner/Accused No.2

Vs

1. The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr. No. 16/2022)

2. Nagarani ... Respondents/Respondents/Defacto Complainant

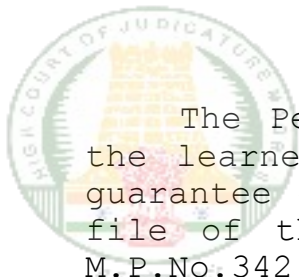
Prayer in CRL MP(MD). No.10683 of 2022:-

Criminal Miscellaneous Petition filed under section 482 of Cr.P.C., to direct the learned Judicial Magistrate No.IV, Madurai to return the Bank Guarantee executed the petitioner in Cr. No. 16 of 2022 on the file of the Respondent Police Station in obedience to the order passed in Crl.M.P. No. 342 of 2022, dated 21.01.2022.

Prayer in CRL OP(MD).No. 2096 of 2022:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in relation on the complaint filed by the 2nd respondent with the first respondent on 08/01/2022 at 20.35hrs and registered as a case in Crime No.16 of 2022 alleging offences Under Sections 406,294(b),323,506(i) of IPC and read with Section 4 of Prohibition of Harassment f Women Act and quash the same.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.MP.Amalan, Advocate for the Petitioner and of Mr. R.Meenakshi Sundaram, Additional Public Prosecutor for Respondent No.1 and Mr.S.Ramsundar Vijayaraj, Advocate for the Respondent No.2, this Court made the following order:



The Petitioner has filed this Petition seeking a direction to the learned Judicial Magistrate No.IV, Madurai to return the bank guarantee executed by the Petitioner in Crime No.16 of 2022 on the file of the respondent police in pursuant to the order made in M.P.No.342 of 2022 dated 21.01.2022 by the learned Sessions Judge, Madurai.

2.The learned Counsel for the Petitioner contended that at the time of granting anticipatory bail to the Petitioner, the learned Principal Sessions Judge, Madurai had directed the Petitioner to submit a bank guarantee for a sum of Rs.50,00,000/- in crime No.16 of 2022, Koodalpudur Police Station, Madurai before the learned Judicial Magistrate concerned on 21.01.2022. Accordingly, the Petitioner had furnished the bank guarantee before the learned Judicial Magistrate No.4, Madurai. Subsequently, the Petitioner filed Crl.O.P.(MD)No.2096 of 2022 seeking to quash the FIR in Crime No.16 of 2022 before this Court. After considering the rival contentions, this Court by order, dated 04.04.2022 allowed that petition and quashed the FIR.

3.Challenging the same, the defacto complainant filed an appeal in S.L.P.No.4207 of 2022 before the Hon'ble Supreme Court and the same came to be dismissed by order, dated 09.05.2022. Therefore, the Petitioner sought return of the bank guarantee before the learned trial Judge. However, the learned Judicial Magistrate, No.IV, Madurai without entertaining the petition, had directed the Petitioner to approach this Court. Hence, the Petitioner had filed the present Petition.

4.The learned Additional Public Prosecutor appearing for the first Respondent would submit that in view of the objections made by the Respondent Police before the learned Judicial Magistrate No.IV, Madurai, the request made by the Petitioner to return the bank guarantee was not considered.

5.In view of the fact that the FIR in Crime No.16 of 2022 with the petitioner arrayed as second accused was quashed and the appeal filed before the Hon'ble Supreme Court in S.L.P.No.4207 of 2022, challenging quashment of FIR in Crime No.16 of 2022, on the file of the Koodalpudur Police Station, Madurai, was also dismissed by order, dated 09.05.2022, nothing remains to hold the bank guarantee executed by the Petitioner. Hence, the learned Judicial Magistrate No.IV, Madurai is directed to return the bank guarantee and permit the Petitioner to withdraw the same.

6.In view of the above submission, this Criminal Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/10/2022

Sub Assistant Registrar(CS)



TO

1. The Judicial Magistrate No.IV,
Madurai.
2. The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Cr. No. 16/2022)
3. The additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr. S.MP.AMALAN, Advocate,
in SR.No.49071 dated 12.10.2022

+1 CC to Mr. S.RAMSUNDAR VIJAYARAJ, Advocate,
in SR.No.49006 dated 12.10.2022

ORDER DATED : 12/10/2022

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ORDER
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CRL MP(MD). No.10683 of 2022
in
CRL OP(MD).No. 2096 of 2022

Giving direction and etc.
as stated within.

SS/18/10/2022/ 3P 6C