



Crl.M.P.No.10387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.10387 of 2023
in Crl.O.P.No.12111 of 2018

Mahalakshmi

... Petitioner

Vs.

State Represented by its
Station House Officer,
District Crime Branch Police Station,
Villupuram District.

Crime No.03 of 2018

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 of the Code of Criminal Procedure, to permit the petitioner to return of title deed document No.2852 of 2013 deposited in Crime No.03 of 2018 before the learned Judicial Magistrate-II, Villupuram in Crl.O.P.No.12111 of 2018 dated 27.04.2018.

For Petitioner : Mr.P.Jayachandran

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking to direct the learned Judicial Magistrate-II, Villupuram to return the original title deed document No.2852/2013 deposited to the credit of Crime No.03 of 2018, pursuant to the order passed by this Court in Crl.O.P.No.12111 of 2018 dated 27.04.2018.

2. The learned counsel for the petitioner would submit that the petitioner is the wife of the Dhanasekar. The Dhanasekar was implicated as accused in Crime No.03 of 2018 registered by the respondent police and he was arrested on 20.03.2018 by the respondent police. The petitioner's husband had filed application for bail in Crl.O.P.No.12111 of 2018 and on the submissions made by the counsel for the petitioner, this Court directed the petitioner's husband to deposit the original title deed belonging to the deceased/accused. Pursuant to the same, the petitioner's husband had deposited the original title deed document No.2852 of 2013 registered at SRO Avaraipakkam to the credit of Crime Number. He would submit that the respondent had after investigation filed the final report against the petitioner's husband and one Sakarai and it has been taken up for trial in CC.No.322 of 2019 on the file of the Judicial



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Magistrate-II, Villupuram. While so, the petitioner's husband Dhanasekar/A1 had met with an accident and died on 28.10.2021 and thereby, the charge against him has abated. He would submit that there would be no purpose in petitioner's husband document being retained in the custody of the Judicial Magistrate-II, Villupuram and the present petition has been filed seeking for return of original documents.

3. The learned Government Advocate (Crl.Side) would submit that the petitioner is the wife of Dhanasekar who is A1 in Crime No.03 of 2018. The respondent after completion of investigation filed final report and the case has been taken up for trial in CC.No.322 of 2019 on the file of the Judicial Magistrate-II, Villupuram. The husband of the petitioner had met with an accident and died on 28.10.2021 and the charge against him has abated.

4. Heard the learned counsel on either sides and perused the entire materials available on record.

5. The petitioner is the wife of A1/Dhanasekar. Pursuant to the order passed by this Court in Crl.O.P.No.12111 of 2018 dated 27.04.2018, the



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original title deed belonging to the petitioner in document No.2852 of 2013 has been deposited to the credit of crime No. 03 of 2018. It is now submitted that the husband of the petitioner died and the charge against him has abated.

A.D.JAGADISH CHANDIRA, J.

mpa

In such circumstances, this court is of the view that no purpose would be served by keeping the document in the custody of the Court.

6. In view of the same, the learned Judicial Magistrate-II, Villupuram is directed to return the original title deed which has been deposited pursuant to the order passed by this Court in Crl.O.P.No.12111 of 2018 dated 27.04.2018.

7. Accordingly this Criminal Miscellaneous Petition is allowed.

11.08.2023

Internet : Yes/No

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To

1.The Station House Officer,
District Crime Branch Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.



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in Crl.O.P.No.12111 of 2018