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Criminal Original Petition No.17643 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17643 of 2023

1. Tmt.Saranya
D/o.Pathmanaban

2. Tmt.Lavanya
D/o.Pathmanaban

...Petitioners

Vs.

1. State by.
The Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.
(Cr.No.11 of 2023)

2. Principal Sub Judge (FAC),
II Additional Sub Judge,
Combined Court Complex,
Cuddalore – 607 001.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in Cr.No.11 of 2023 on the file of respondent No.1 Police Station and quash the same in respect of the petitioners.



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For Petitioners : Mr.M.Radhakrishnan

For Respondent : Mr.A.Damodaran
Additional Government Pleader [R1]

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.11 of 2023 on the file of the first respondent.

2. The second respondent viz., Principal Sub Judge (FAC), Cuddalore gave a complaint to the respondent police on the ground that the petitioners have withdrawn the compensation to the tune of Rs.5,40,540/- (Rupees Five lakhs forty thousand five hundred and forty) relating to a different MCOP in MCOP.No.1826 of 2003 on the file of the Principal Sub Court, Cuddalore, instead of their MCOP in MCOP.No.826 of 2003.

3. Based on this complaint, the first respondent registered a First Information Report in Crime No.11 of 2023 for the offence under Sections 209, 409, 420, 465, 477A and 381 of IPC. This FIR has been put to challenge in the present quash petition.



4. Heard Mr.M.Radhakrishnan, learned counsel appearing for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

5. It is seen from records that the father of the petitioners died in a road accident in the year 2002 and he left behind four legal heirs including the petitioners. They filed a claim petition in M.C.O.P.No.826 of 2003 before the Principal Sub Court, Cuddalore. By an order dated 07.07.2004, the claim petition was disposed of and an amount of Rs.1,50,000/- each was awarded in favour of the four legal heirs. At the relevant point of time, the petitioners were minors and hence, the amount was directed to be deposited in the bank account with a condition that the interest will be paid to the petitioners till they attained majority.

6. The petitioners attained majority in the year 2012 and they claimed for the amount of compensation that was deposited through their counsel. According to the prosecution, the petitioners had received a sum of Rs.5,40,540/- on 11.04.2012 and whereas, they are entitled to receive only a sum of Rs.4,36,000/-(Rupees four lakhs thirty six thousand only). This



according to the prosecution is, by virtue of showing a different MCOP number and thereby, the criminal complaint came to be given by the second respondent.

7. When the matter came up for admission on 07.08.2023, this Court directed the counsel appearing on either side to give the correct amount that has been received in excess to what the petitioners were entitled to receive towards compensation.

8. When the matter came up for hearing today, it is brought to the notice of this Court that as on the date of the award passed in M.C.O.P.No.826 of 2003 i.e., on 07.07.2004, the petitioners were entitled to receive a sum of Rs.3,86,000/-. On that date, the petitioners were minors and that amount was deposited in the bank account and thereby, the amount fetched some interest and it accumulated and as on 11.04.2012, with the accumulated interest, the petitioners were entitled to receive a sum of Rs.4,36,000/-. However, the petitioners had received a sum of Rs.5,40,540/-.



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9. Even in the previous hearing, the learned counsel appearing for the petitioners fairly submitted that the petitioners will repay back the amount, which they have received in excess of their entitlement. This Court entertained such a request made by the learned counsel appearing for the petitioners since at the relevant point of time, the petitioners were minors and they must not have known the real award amount, which they are actually entitled to.

10. Based on the calculation that was given by either side, it is seen that the petitioners have received a sum of Rs.5,40,540/- on 11.04.2012 instead of the amount which they are entitled to viz., Rs.4,36,000/-. Therefore, there is an excess amount of Rs.1,04,540/-, which has been received by the petitioners as on 11.04.2012. This amount shall be deposited by the petitioners to the credit of Crime No.11 of 2023 on the file of the Judicial Magistrate II, Cuddalore within a period of four(4) weeks from today.

11. On such deposit, the same shall be intimated to the respondent Police and the respondent Police shall file a closure report before the



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concerned Court.

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Accordingly, this Criminal Original Petition is disposed of in the above terms.

11.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mp

To

1. The Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.
(Cr.No.11 of 2023)
2. Principal Sub Judge (FAC),
II Additional Sub Judge,
Combined Court Complex,
Cuddalore – 607 001.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J
mp

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