



*Crl.O.P.(MD)No.1160 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.1160 of 2023

1.Selvi

2.Meena

: Petitioners

Vs.

State rep.by  
The Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District.  
Crime No.120 of 2022

: Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate Court, Rajapalayam to return the amount of Rs.20,000/- deposited on 02.06.2022 to the credit of the case in Crime No.120 of 2022.

For Petitioners : Mr.M.Jothi Basu,

For Respondent : Mr.SS.Madhavan,  
Government Advocate (Criminal Side)



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**ORDER**

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Judicial Magistrate Court, Rajapalayam to return the amount of Rs.20,000/- deposited on 02.06.2022 to the credit of the case in Crime No.120 of 2022.

2. The learned counsel for the petitioners would submit that the petitioners while taking bail, the learned District Judge has imposed conditions, directing them to deposit a sum of Rs.10,000/- before the learned Judicial Magistrate, Rajapalayam and in pursuance of the same, they have deposited the amount. Subsequently, the first petitioner has filed a petition in W.P(MD)No.14027 of 2022, to issue a Writ of Mandamus, directing the District Social Welfare Officer, Virudhunagar, to appoint the first petitioner as a fit person and hand over temporary custody of the child Gobiraj to her within the stipulated time to be fixed by this Court and this Court, vide order dated 11.07.2022, while allowing the writ petition, has also quashed the case in Crime No. 120 of 2022.



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3. He would further submit that after quashing the FIR, the petitioners have filed an application before the learned Magistrate, under Section 451 of Cr.P.C for return of amount. But the learned Magistrate, has returned the petition as to how the petition is maintainable and returned again to file before the concerned Court.

4. Admittedly, the petitioners have deposited the amount in pursuance of the directions given by the learned Principal District Judge before the learned Judicial Magistrate, Rajapalayam and as of now, the amount is with the Judicial Magistrate, Rajapalayam, since the FIR has already been quashed, has not returned the amount.

5. As rightly contended by the learned counsel for the petitioners, the order of return made by the learned Magistrate is not in proper. Therefore, the petitioners are directed to represent the petition and on such representation of the petition, the learned Judicial Magistrate, Rajapalayam, is directed to pass an order with regard to the return of Rs.20,000/- deposited by the petitioners, within a period of 15 days from the date of representation.



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**WEB COPY** 7. With the above directions, the Criminal Original Petition is disposed of.

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**23.01.2023**

NCC : Yes/No  
Index :Yes/No  
Internet : Yes/ No  
das

To

1. The Judicial Magistrate,  
Rajapalayam.
- 2.The Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

das

Order made in  
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