



CRL MP(MD) No.10038 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Friday, the Fourteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10038 of 2023

IN

CRL OP(MD) No.16688 of 2016

1 ASHOK ROSE

2 J.M.A.SALMAN

... Petitioners / Petitioners / Accused No.1 & 2

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
DINDIGUL DISTRICT,  
DINDIGUL.

(CRIME NO.25 OF 2016)

... Respondent / Respondent / Complainant

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct to refund the amount of Rs.5,00,000/- to the petitioner with any accrued interest that is deposited before the Learned Judicial Magistrate Court No.II, Dindigul in Crime no.25 of 2016 (Inspector of Police, District Crime Branch, Dindigul).



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.LAKSHMI SHANKAR H, Advocate for the petitioner and of Mr.S.MANIKANDAN, Government Advocate (Crl. side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to direct the learned Judicial Magistrate No.II, Dindigul to refund the amount deposited by the petitioner along with accrued interest, as per the condition imposed by this Court in Crl.OP(MD)No.16688 of 2016, on 29.06.2017.

2.As per the order of the Court, the petitioner had also deposited the said amount to the credit of Crime Number on 19.07.2017 before the concerned Court.

3.The learned Government Advocate (Crl.Side) would submit that during the course of investigation the said complaint was closed as 'mistake of fact' and RCS notice was also served upon to the defacto complaint. The defacto complainant also appeared and stated that she has no objection to close the said FIR. On that ground FIR was closed and liberty also granted to the defacto complainant to file private



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complaint. However, the defacto complainant has not preferred to file any private complaint till now.

4.In view of the above, this petition is allowed and the trial Court is directed to return the said deposited amount to the petitioner, after following due procedure.

sd/-  
14/07/2023

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/07/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM

To

1.The Judicial Magistrate No.II,  
Dindigul.

2.Do through the Chief Judicial Magistrate,  
Dindigul District.

3.The Inspector of Police,  
District Crime Branch,  
Dindigul District,  
Dindigul.

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



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+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate ( SR-10715[I] dated 14/07/2023 )

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ORDER

IN

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IN

CRL OP(MD) No.16688 of 2016

Date :14/07/2023

ED/DD/SAR- (21/07/2023) 4P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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