



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

Thursday, the Twenty Third day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) No.20215 of 2021

VINOTHKUMAR

... PETITIONER/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
CR.NO.869 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SATHISH KUMAR K Advocate
For Respondent : MR.P.KOTTAI CHAMY,
Govt. Advocate (Crl. Side)
For Intervenor : MR.G.VIVEKANAND, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.869 OF 2021 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that he has no instructions from the petitioner. Earlier when the matter was referred to mediation and during mediation, the petitioner had participated in the mediation proceedings only for two hearings and thereafter, he did not appear for mediation. There is no contact from the petitioner. The learned counsel for the petitioner also sent a letter to the petitioner by registered post, but the same was returned with an endorsement as 'not known'. Therefore, he has also filed a memo withdrawing his appearance.

2.The learned Government Advocate (Crl.Side) would submit that on 29.06.2022, this Court has referred the matter to mediation. This Court has also granted interim protection to the petitioner. Based on the reference to mediation and interim protection granted to the petitioner, the respondent is unable to take further action as against the petitioner.



3.The learned counsel for the intervenor would submit that during Mediation, the petitioner has agreed to pay Rs.3 lakhs, thereafter, he did not appear for mediation.

4.Heard the learned counsels appearing for the petitioner, intervenor and the respondent.

5.The matter is pending from the year 2021. Despite the matter being referred to mediation, the matter is not settled. Taking advantage of interim protection, the petitioner has evaded from appearing before this Court. The learned counsel for the petitioner is also unable to contact the petitioner and he had filed a memo withdrawing his appearance.

6.In view of the above, this Criminal Original Petition stands dismissed for non-prosecution.

sd/-

23/02/2023

/ TRUE COPY /

/03/2023

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

PNM

TO

1 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-2837[I] dated 24/02/2023)

ORDER

IN

CRL OP(MD) No.20215 of 2021

Date :23/02/2023

RS//SAR-1(07.03.2023) 2P 4C