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CrI.R.C.No.1059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1059 of 2024

and

CrI.M.P.No.9018 of 2024

Parameswaran

... Petitioner

Vs.

1. A.G.Sampath

2. A.G.Anbalagan

3. The State,

Represented by The Inspector of Police,

Central Crime Branch - II,

Egmore,

Chennai - 600 008.

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 30.08.2023 in CrI.M.P.No.18341 of 2023 in C.C.No.3758 of 2021 passed by the learned Metropolitan Magistrate [For Exclusive Trail of C.C.B cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases], Egmore, Chennai.

For Petitioner : Mr.B.Hari Krishnan

For Respondents : Mr.Raja Mohan for R1 and R2
Mr.A.Gopinath
Govt. Advocate (CrI.Side) for R3



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ORDER

The present criminal revision petition has been filed to set aside the order dated 30.08.2023, passed by the learned Metropolitan Magistrate [For Exclusive Trail of C.C.B cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases], Egmore, Chennai, in Crl.M.P.No.18341 of 2023 in C.C.No.3758 of 2021.

2. The case of the petitioner is that the respondents entered into sale agreement with the petitioner's father for selling their property and after receiving the sale advance of Rs.97,00,000/- from the petitioner's father, the respondents sold the property to a third party without the knowledge of the petitioner's father and they did not return the sale advance. Therefore, the petitioner's father filed a criminal complaint against the respondents and the same was registered in Crime No.525 of 2009. Thereafter, the respondents filed anticipatory bail application before this Court in Crl.O.P.No.11239 of 2018 and this Court, while granting anticipatory bail, has imposed a



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condition on the respondents that they shall deposit a sum of Rs.20,00,000/- to the credit of Crime No.525 of 2009, pursuant to which, they have deposited the amount. After completion of investigation, the Police filed a charge sheet and the same was taken on file in C.C.No.3758 of 2021. In the meanwhile, the petitioner's father died. The petitioner and other legal heirs had filed C.S.No.1027 of 2010 for recovery of money of Rs.97,00,000/- and the same was decreed on 18.01.2016 directing the respondents to pay a sum of Rs.97,00,000/- together with interest and costs. Thereafter, the suit in C.S.No.933 of 2009 filed by the respondents was dismissed by common judgment dated 18.01.2016. As against which, the respondents preferred O.S.A.Nos.174 and 175 of 2016 and the third party purchaser filed O.S.A.No.170 of 2016 as against the common judgment and decree dated 18.01.2016. The OSAs filed by the respondents and the third party purchaser were also dismissed by the Division Bench of this Court on 14.12.2023. In such circumstances, the respondents filed Crl.M.P.No.18341 of 2023 in C.C.No.3758 of 2021 to refund a sum of Rs.20,00,000/- deposited by them. The Court below, without considering the factual



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aspects, allowed the petition by directing the petitioner to return the amount of Rs.20,00,000/- deposited on 14.11.2018 vide receipt No.8910 to the credit of Crime No.525 of 2009 to the respondents. Challenging the same, the present revision petition has been filed.

3. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that this Court may grant liberty to the petitioner to work out the remedy before the Execution Court where he has obtained the decree.

4. Heard the learned counsel for the petitioner, the learned counsel for the respondents 1 and 2 and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for the third respondent.

5. In view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, grants liberty to the petitioner to work out the remedy before the Execution Court



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where he obtained the decree in C.S.No.1027 of 2010 in the manner known to law.

6. Accordingly, this Criminal Revision Case is dismissed with the above liberty. Consequently, connected miscellaneous petition is closed.

26.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The learned Metropolitan Magistrate
[For Exclusive Trail of C.C.B cases
(Relating to Cheating Cases in Chennai)
and CBCID Metro Cases], Egmore,
Chennai.

2. The Inspector of Police,
Central Crime Branch - II,
Egmore,
Chennai - 600 008.



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M.DHANDAPANI, J.

vji

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