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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5306 of 2024

1.K.Florence

2.P.Egaraj

... Petitioners

Vs.

1.State Rep. by: The Inspector of Police,
T-1, Ambattur Poilce Station,
Chennai.
(Crime No.25 of 2023)

2.S.Armstrong

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order dated 15.2.2023 passed in the above Crl.MP. Ununmbered of 2024 in CC.No.83 of 2023 by the learned Judicial Magistrate at Ambattur and further direct the learned Judicial Magistrate Court, Ambattur to number the petition and to return the amount deposited by the petitioners within the time frame fixed by this Court.

For Petitioner : Mr.N.K.Ponraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



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ORDER

This criminal original petition has been filed challenging the Docket Order dated 15.02.2023 passed by the Court below refusing to entertain the application filed by the petitioner seeking for withdrawal of the deposit amount in Crime No.25 of 2023.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 1st respondent.

3.It is seen from records that the main case itself was quashed on the ground of compromise in Crl.O.P.No.400 of 2024 by order dated 09.01.2024. The petitioners had earlier approached this Court seeking for anticipatory bail in Crl.O.P.No.2997 of 2023 and anticipatory bail was granted to the petitioners by imposing certain conditions. One such condition was that the petitioners must deposit a sum of Rs.3 Lakhs each to the credit of Crime No.25 of 2023 before the learned Judicial Magistrate, Ambattur. In compliance with this order, the petitioners had also deposited the amount. Since the main case itself was quashed on the ground of compromise, the petitioners filed an application before the Court below to permit the petitioners to withdraw the deposit amount of Rs.3 Lakhs each.



In view of the fact that the main case itself has been quashed, the Court below refused to entertain the same on the ground that no such order was passed by this Court while quashing the proceedings.

4. In the considered view of this Court, since the main case itself has been quashed on the ground of compromise, the Court below is directed to entertain the application and permit the petitioners to withdraw the amount deposited by them in Crime No.25 of 2023.

5. This criminal original petition is disposed of with the above directions.

6. The Registry is directed to return back the original application to the learned counsel for the petitioners in order to enable the petitioners to re-present the same before the Court below.

05.03.2024

Index : Yes/No

Internet : Yes/No

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To

1. The Judicial Magistrate,
Ambattur.



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N. ANAND VENKATESH, J.

SSI

2.The Inspector of Police,
T-1, Ambattur Poilce Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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