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Crl.M.P.No.9427 of 2023

in Crl.O.P.No.9055 of 2023

S.SOUNTHAR, J.

The petition for cancellation of the anticipatory bail has been filed by the defacto complainant on the ground that the first respondent/petitioner in anticipatory bail application suppressed the fact of mediation settlement arrived at between the defacto complainant, the husband of the first respondent and herself and got the anticipatory bail before this Court.

2. The learned counsel appearing for the petitioner submitted that the mediation settlement arrived at between the parties on 20.01.2023 has been suppressed by the first respondent. Further the interim bail granted to the second accused namely, the husband of the first respondent was cancelled by this Court on 09.02.2023 and the same was also not brought to the notice of this Court at the time of arguing the anticipatory bail application and hence the anticipatory bail granted to the first respondent should be cancelled.



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3. The learned counsel appearing for the first respondent/petitioner in the anticipatory bail application submits that based on the sale agreement, the petitioner herein filed a suit in O.S.No.489 of 2022 on the file of the III Additional District Court, Virudhachalam and the same was decreed in respect of alternate relief by directing the first respondent herein to pay a sum of Rs.39,00,000/- with interest. Having filed the suit for specific performance based on the agreement and also obtained a decree for recovery of the advance amount, the petitioner is not entitled to say that the first respondent had cheated the petitioner. The learned counsel further submitted that the first respondent also filed a quash petition in CrI.O.P.No.1940 of 2023 against FIR and also obtained stay order. The learned counsel also produced the stay order passed by this Court dated 28.08.2023, staying investigation of the matter in Crime No.553 of 2022.

4. In view of the fact that the petitioner herein already filed a Civil Suit based on the sale agreement and obtained a decree for recovery of the advance amount from the first respondent and also the fact that the investigation in the crime number has been stayed by this Court in the quash



petition filed by the first respondent, this Court is not inclined to cancel the anticipatory bail granted to the first respondent.

5. Accordingly, this Civil Miscellaneous Petition is dismissed.

20.02.2024

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