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Crl.R.C.No.2148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.2148 of 2023

A.Aparna

... Petitioner

Vs.

1.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai – 600 017.
(Crime No.64 of 2023)

2.Manju

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order of the learned XVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.9627 of 2023 dated 15.09.2023.

For Petitioner : M/s.R.Ganesh Kumar
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
R2 – NRN

ORDER

This criminal revision has been filed seeking to set aside the



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order dated 15.09.2023 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.9627 of 2023.

2.The learned counsel appearing for the petitioner submitted that the petitioner is A1 and the allegation against the petitioner is that the petitioner gave assurance to arrange a seat in Porur Ramachandra Medical College for the defacto complainant's daughter who passed NEET Exam and accordingly the defacto complainant deposited a sum of Rs.5 Lakhs in the account number shared by the petitioner and the petitioner also shared a receipt. When the defacto complainant went to the College she came to know that the receipt is a false receipt and hence, the defacto complainant lodged a complaint before the law enforcing agency.

3.The learned counsel appearing for the petitioner further submitted that the petitioner filed Crl.O.P.No.7840 of 2023 before this Court for grant of anticipatory bail and since the petitioner undertook to deposit a sum of Rs.3 Lakhs without prejudice to her case, she was granted anticipatory bail by this Court in Crl.O.P.No.7840 of 2023 on 05.05.2023 on condition that the petitioner deposits a sum of Rs.3



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Lakhs to the credit of Crime No.64 of 2023 on the file of XVII Metropolitan Magistrate, Saidapet, Chennai, pursuant to which, the petitioner deposited a sum of Rs.3 Lakhs. Thereafter, the defacto complainant filed petition under Section 457 r/w 451 of Cr.P.C. in Crl.M.P.No.9627 of 2023 for return of the case property and the trial Court allowed the said petition.

4.The learned counsel appearing for the petitioner further submitted that this Court may, without going into the merits of the case, issue direction to the trial Court to direct the defacto complainant to file an undertaking affidavit undertaking that in the event of the petitioner succeeding the criminal case, she will return the amount to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl. Side). Till date the petitioner has not taken any effective steps to serve notice on the second respondent. Since this Court is not inclined to pass any adverse order as against the second respondent, this Court is inclined to dispose of the case with the materials available on record.



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6.Considering the submission made by the learned counsel appearing for the petitioner, this Court directs the trial Court to obtain an undertaking affidavit from the defacto complainant undertaking that in the event of the petitioner succeeding the criminal case, she will return the amount to the petitioner, if such undertaking affidavit has not yet been obtained.

7.With the above observation, this criminal revision case stands disposed of.

01.08.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai – 600 017.
(Crime No.64 of 2023)



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M.DHANDAPANI,J.
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