



Crl.M.P.No.20117 of 2023

Crl.M.P.No.20117 of 2023
in
Crl.O.P.No.14816 of 2023

G.CHANDRASEKHARAN. J.

This petition is filed to pass on order cancelling the anticipatory bail granted to the 1st respondent in Crl.O.P.No.14816 of 2023 on 04.07.2023.

2.1st respondent herein filed anticipatory bail petition in Crl.O.P.No.14816 of 2023 alleging that, he is an accused in Crime No.150 of 2023 registered for the offences under Sections 406 and 420 IPC.

3.It is the submission of the learned counsel for the 1st respondent that Toyota Fortuner Car bearing Registration No.TN 66 AL 0005 was purchased by him in the name of his wife namely the defacto complainant/petitioner herein in the year 2019. Defacto complainant gave a false complaint, alleging that she purchased the car and on that basis, the first information report came to be registered. He also produced copy of the arbitration award passed in A.P.No.0072 of 2023 dated 27.04.2023 and a copy of the account statement to show that, he has been paying the EMI amount of the car.



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4. On the basis of the records produced and submissions of the learned counsel for the parties, this Court granted anticipatory bail to the petitioner in Crl.O.P.No.14816 of 2023 on 04.07.2023.

5. Now this petition is filed for cancelling the anticipatory bail granted to the 1st respondent herein, for making false statement with regard to payment of EMI.

6. It is the case of the petitioner that petitioner herein/defacto complainant has alone been paying EMI till the initiation of arbitration proceedings. The car is now with the custody of the 1st respondent. In such circumstances, she prayed for cancellation of anticipatory bail granted to the 1st respondent.

7. Considered the rival submissions and perused the records.

8. It is seen from the records produced and submissions of the learned counsel for the parties that, out of 33 instalments paid, petitioner had paid only 15 instalments. It is an admitted case of the petitioner that after passing of arbitration award, she is not paying the EMI.



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9.Learned counsel for the 1st respondent produced materials to show that 1st accused paid 3 instalments and 2nd accused paid some instalments. It is also seen that he sent money to the petitioner towards payment of EMI. Admittedly, petitioner is not paying the EMI after the arbitration award and it is claimed by the 1st respondent that he is paying EMI.

10.In such circumstances, this Court is of the view that, there is no criminal action involved in this case. The matter appears to be a dispute between the husband and wife, with regard to purchase of car, subsequently, the marriage discord between them led to registration of the first information report.

11.Taking all these factors into consideration, this Court finds that there is no valid reason placed before this Court for cancellation of anticipatory bail granted to the 1st respondent. In such circumstances, this Criminal Miscellaneous Petition is dismissed.

13.03.2024

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