



CRL MP(MD) No.5984 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.5984 of 2024

IN

CRL OP(MD) No.8623 of 2023

P.MURUGESAN

... PETITIONER/INTERVENER

/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH,

MADURAI DISTRICT.

(CRIME NO.7/2022).

...1st RESPONDENT/RESPONDENT/COMPLAINANT

2 R.PANDI SELVI

... 2nd RESPONDENT/PETITIONER/ACCUSED

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for the records relating to the order dated 17/5/2023 made in Crl.OP(MD)No.8623/2023 on the file of this Honble High Court and cancel the bail granted to the Respondent No.2.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.GANDHI, Senior Counsel for M/S.GANDHI ASSOCIATES, for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the 1st Respondent and of MR.W.PAMELIN, Advocate for the 2nd Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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The petitioner/defacto complainant filed the present miscellaneous petition to cancel the bail granted by this Court to the second respondent/accused, vide order made in Crl.O.P.(MD)No.8623 of 2023 dated 17.05.2023.

2.The learned Senior Counsel appearing for the petitioner submits that the second respondent gave an undertaking that he will settle the issue and obtained bail from this Court, however, thereafter, he failed to act upon his undertaking. The learned Senior Counsel relied on paragraph No.3 of the order in Crl.O.P.(MD) No.8623 of 2023 dated 17.05.2023.

3.The learned counsel appearing for the second respondent submits that no such undertaking was given before this Court by the second respondent and it is only submission made that the issue was settled between the parties.

4.This Court considered the rival submissions made on either side.

5.The relevant paragraphs of the order passed by this Court in Crl.O.P.(MD) No.8623 of 2023 dated 17.05.2023 are extracted hereunder:-

3.The learned counsel appearing for the petitioner would submit that the matter was settled between the parties and he prayed for bail.

4.The learned counsel appearing for the intervenor also appeared before this Court and stated that the matter was settled between the parties and he has also produced a copy of the terms of the settlement dated 16.05.2023.



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6.It appears that the defacto complainant himself appeared in the petition for bail and stated that the issue was amicably settled between the parties. Only based on the representation made by the defacto complainant, this Court granted bail to the second respondent herein. Therefore, this Court is not inclined to cancel the bail granted to the second respondent in Crl.O.P.(MD)No.8623 of 2024 dated 17.05.2023. Accordingly, this criminal original petition is dismissed. In any event, it is always open to the petitioner to workout his remedy in the manner known to law.

sd/-
28/06/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI,
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PAMELIN, Advocate (SR-7167[I] dated 01/07/2024)

ORDER
IN
CRL MP(MD) No.5984 of 2024
IN
CRL OP(MD) No.8623 of 2023
Date :28/06/2024

PKP/JGB/SAR /05.07.2024/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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