



*Crl.O.P.(MD)No.18189 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.18189 of 2024

Bhuvaneswarai

... Petitioner

Vs.

The State of Tamilnadu represented by its  
The Inspector of Police,  
CCIW, Trichy,  
Trichy District.  
(Crime No.4 of 2021)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to set aside the docket order in filing No.4040 of 2024 dated 25.09.2024, on the file of the learned Judicial Magistrate No.1, Thirichirappali, in Crime No.4 of 2021 of the Inspector of Police, CCIW Trichy and direct him to take the petition on file and dispose the same on merits.

For Petitioner : Mr.S.Karthikeyan

For Respondent : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

**ORDER**

The Criminal Original Petition is directed against the docket order



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dated 25.09.2024 passed in Filing No.4040 of 2024 on the file of the Judicial Magistrate No.1, Tiruchirappalli and for direction to the learned Magistrate to take the petition on file and dispose the same on merits.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's husband Velayutham was an accused in EOW case registered in Crime No.4 of 2021 on the file of CCIW Trichy for the alleged offences under Sections 408, 465, 468, 471, 477A and 120B IPC and the said accused has filed a petition seeking anticipatory bail before this Court in Crl.O.P.(MD)No.10904 of 2022 and this Court, while granting anticipatory bail, directed the petitioner therein to deposit a sum of Rs.2,50,000/- to the credit of Crime No.4 of 2021 within a period of one month from the date of receipt of a copy of that order and in pursuance of the said direction, the amount came to be deposited.

3. The main contention of the petitioner is that since the said accused Velayutham had died subsequently, charge came to be abated and the petitioner/wife has filed an application under Section 451 Cr.P.C.



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seeking orders for returning the amount of Rs.2,50,000/- deposited by him.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that investigation has been completed and charge sheet came to be filed before the jurisdictional Court through e-filing and as of now, criminal case is pending.

5. Considering the above, the impugned order of return made by the learned Magistrate that the petition is not maintainable, though it does not specify any reason, cannot be found fault with. Hence, this Court concludes that the original petition is devoid of merit and the same is liable to be dismissed.

6. In the result, this Criminal Original Petition stands dismissed.

**23.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm



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**K.MURALI SHANKAR,J.**

csn

To

- 1.The Judicial Magistrate No.1,  
Thirichirappali.
- 2.The Inspector of Police,  
CCIW, Trichy,  
Trichy District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order made in  
Crl.O.P.(MD)No.18189 of 2024

Dated: 23.10.2024