



CRL MP(MD) No.175 of 2024

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

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.175 of 2024

IN

CRL OP(MD) No.24274 of 2015

P.SREE LALITHA ... PETITIONER/RESPONDENT/DEFACTO COMPLAINANT

Vs

1 G.BALASUBRAMANIAN

... RESPONDENTS/ ACCUSED

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI DISTRICT,
CRIME NO.51/2015

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted to the 1st respondent by this Honble Court in Crl.OP (MD)no.24274/2015 dated 11.03.2016.

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 M/S.MURUGESAN.I, Advocate for the petitioner and of MR.P.KOTTAI CHAMY, Government Advocate (Crl.Side) on behalf of the 2nd Respondent and MR.G.KARUPPASAMY PANDIAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

This Petition has been filed to cancel the anticipatory bail granted in favour of



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the first respondent/accused in CrI.O.P(MD).No.24274 of 2015 dated 11.03.2016 by this Court.

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2. The learned counsel appearing for the petitioner would submit that this Court, vide order dated 11.03.2016, has granted anticipatory bail to the first respondent with certain conditions, however, the conditions have not been complied with. Thereby, the present petition has been filed to cancel the anticipatory bail granted in favour of the first respondent.

3. The learned counsel appearing for the first respondent, on instructions, would submit that admittedly, this Court, vide order dated 11.03.2016, directed the first respondent to pay a sum of Rs.20,000/- as ad-interim maintenance for the children, however, he could not pay the same. Instead of paying the amount, the entire properties standing in name of the first respondent have been settled in favour of the petitioner and her daughter.

4. At this juncture, the learned counsel appearing for the petitioner/defacto complainant submit that the boundaries were wrongly mentioned. In the boundaries, it is mentioned that last site is Kanapathiammal's house and the vacant site on the eastern side is retained by the petitioner. The learned counsel, on instructions, submits that the petitioner has no objection for quashing the complaint against the first respondent, since the first respondent has settled the properties in favour of her



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and her daughter.

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5. However, the learned counsel appearing for the first respondent would submit that the boundaries were wrongly mentioned and if any rectification is needed, it will take some more time. However, he has no objection to mention the boundaries enabling the defacto complainant and her daughter to enjoy the properties absolutely and for transferring the EB and property tax to the name of the defacto complainant and her daughter.

6. In view of the consent expressed by the learned counsel for the first respondent, it is made clear that the northern side property has been settled in favour of the defacto complainant's daughter, namely, Sri Seethapriya and the eastern side property has been settled in favour of the petitioner/defacto complainant. Since the entire properties were settled in favour of the defacto complainant/petitioner and her daughter and the petitioner has no objection for quashing the complaint which was instituted by her, the petitioner shall file an appropriate application before the trial Court where the complaint is pending. No supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of Daulat Ram – Vs – State of Haryana (1995 (1) SCC 349) and therefore, the prayer as sought for by the petitioner cannot be acceded to.



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7. Accordingly, this Criminal Miscellaneous Petition is closed.

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12/03/2024

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/05/2024

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

ssb/indu

TO

1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI DISTRICT.

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

+1. C.C. to M/S.I.MURUGESAN Advocate SR.No.11482[F] Dated 12/03/2024

ORDER IN
CRL MP(MD) No.175 of 2024 IN
CRL OP(MD) No.24274 of 2015
Date :12/03/2024

RS/GS/SAR-(07.05.2024) 4P 4C
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