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Crl.M.P.No.3336 of 2025
in
Crl.O.P.NO.32577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.M.P.No.3336 of 2025
in Crl.O.P.No.32577 of 2024

Tony Robert

...Petitioner/3rd Party cum Victim/
De-facto complainant

Vs.

1. The State rep by
The Inspector of Police,
F2-Egmore Police Station,
Egmore,
Chennai – 600 008.

2. V.Balaji

...Respondents

PRAYER: This criminal miscellaneous petition has been filed under Section 528 of BNSS to permit the petitioner to withdraw the deposited amount a sum of Rs.10,00,000/- (Rupees Ten Lakh only) from the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai in Crime No.558 of 2024 pending on the file of the first respondent vide, order made in Crl.O.P.No.32577 of 2024 on 27.12.2024 pending on the file of this Court.



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For Petitioner : Mr.S.Prasanna

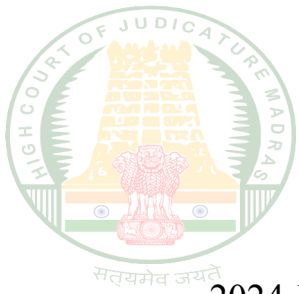
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This criminal miscellaneous petition has been filed to permit the petitioner/*de-facto* complainant to withdraw the deposited amount, a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), from the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai, in Crime No.558 of 2024, pending on the file of the first respondent vide, order made in Crl.O.P.No.32577 of 2024 on 27.12.2024 pending on the file of this Court.

2. The petitioner is the *de-facto* complainant in Crime No.558 of 2024. He had filed a complaint against the second respondent/accused herein stating that the latter had received a sum of Rs.19,00,000/- (Rupees Nineteen Lakhs only) for arranging a tour, and had neither arranged the tour nor returned the money.

3. The second respondent/accused had filed Crl.O.P.No.32577 of



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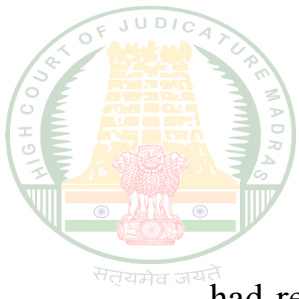
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2024 before this Court for bail. This Court, by an order dated 27.12.2024, had granted bail on the condition that the second respondent/accused shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.558 of 2024.

4. The second respondent/accused in compliance with the said direction has now deposited Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.558 of 2024. The petitioner has now filed this petition seeking permission to withdraw the said deposited amount as, admittedly, the said amount belongs to the *de-facto* complainant/petitioner herein.

5. Mr.S.Santhosh, the learned Government Advocate (Crl.Side) for the first respondent, confirms the fact that the *de-facto* complainant/petitioner had paid a sum of Rs.19,00,000/- through bank transfer to the second respondent/accused.

6. The second respondent/accused, though, confirms the fact that he



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had received the said sum of Rs.19,00,000/-, he objected to the withdrawal of the said sum by the petitioner/*de-facto* complainant.

7. Considering the fact that admittedly the amount deposited by the second respondent/accused was the money paid by the *de-facto* complainant, this Court is of the view that no prejudice would be caused to either of the parties if the petitioner is permitted to withdraw the said sum.

8. Accordingly the criminal petition is ordered and the petitioner is permitted to withdraw the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) deposited by the second respondent to the credit of Crime No.558 of 2024 by filing an appropriate application, before the concerned court.

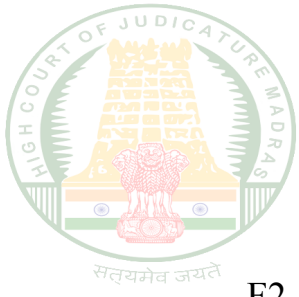
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1. The Inspector of Police,

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F2-Egmore Police Station,
Egmore,
Chennai – 600 008.

2.The Public Prosecutor
High Court of Madras
Chennai. - 600 108.

SUNDER MOHAN, J.

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