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CRL OP No. 20382 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 20382 of 2025

1. IIFL Home finance Ltd

Formerly known as

India Infoline Housing Finance Ltd IIFL,

Having its registered office at 12A, 10,

13th Floor, Parinee Crescenzo,

C-38 and C-39, G block,

Behind MCA Bandrakurla Complex,

Bandra East, Mumbai-400 051.

Corporate Office at Plot No.98,

UdyogVihar, Phase-4, Gurgaon,

Branch office presently at

O.No.41 N.No.76, block I, 3rd Floor, CIT ,

1st Main Road, Nandhanam, chennai-600

035

Through its Authorized Officer

Mr.Frazer .R

Petitioner(s)

Vs



1. E.Moorthy

S/o.Elumalai K.S VGN Korna,

66,67,68,s1 2nd Floor,

Gerungambakkam, Chennai-600 122

2.State rep by

The Inspector of Police

Central Crime Branch-I,

Chennai.

Respondent(s)

PRAYER This Criminal Original Petition is filed under Section 528 of BNSS, to setaside the return docket order dated 09.09.2024 and to direct the trial court to pass an appropriate order for permitting the petitioner to get the amount of Rs.1000000 deposited by the accused in Crl.M.P.No.5829 of 2018.

For Petitioner(s): Mr.V.Balasubramani

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl Side)
For R2

ORDER

This Criminal Original Petition has been filed to set-aside the docket order dated 09.09.2024 and to direct the trial Court to pass appropriate order permitting the petitioner to get the amount of Rs.1000000/- deposited by the accused in Crl.M.P.No.5829 of 2018.



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2. The second respondent-Police registered a case against the first respondent herein and others in Crime No.408 of 2018 for the offences under Sections 420, 465, 468, 471 read with 34 of the IPC. Pending investigation, the first respondent/accused filed Crl.M.P.No.5829 of 2018 on the file of the CCB & CB-CID Metropolitan Magistrate, Egmore, Chennai, seeking bail. The learned Metropolitan Magistrate, *vide* order dated 31.10.2018, granted bail and directed the first respondent to deposit a sum of Rs.10 lakhs to show his *bona-fides* to the credit of Cr.No.408 of 2018. Based on the direction of the learned Magistrate, the first respondent/accused has also deposited the said sum. Meanwhile, the petitioner/de-facto complainant filed a petition before the learned CCB CB-CID Judge, Egmore, seeking permission to withdraw the said sum of Rs.10 lakhs deposited by the first respondent/accused. The learned Judge rejected the petitioner's application, *vide* impugned docket order dated 09.09.2024. Aggrieved by the same, the petitioner has filed this criminal original petition.

3. On a perusal of the records, it is seen that the second respondent-Police registered a case against the first respondent herein and others/accused persons



in Crime No.408 of 2018 and the investigation is still pending and charge sheet

is yet to be filed. At this stage, the petitioner is not entitled to the relief as

sought for by him before the learned Magistrate and also before this Court.

4. In view of the above, this Criminal Original Petition is dismissed.

However, the petitioner is at liberty to work out his remedy before the trial

Court after filing of the charge sheet.

21-07-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The CCB & CB-CID Metropolitan
Magistrate, Egmore, Chennai,
2. The Inspector of Police
Central Crime Branch-I, Chennai.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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