

Crl.O.P.(MD)No.6010 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.6010 of 2025

M.Thavaselvam

... Petitioner

Vs.

The State of Tamil Nadu,
rep by The Inspector of Police,
Theni Police Station,
Theni District.
Crime No.330 of 2024

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS to direct the respondent police to comply the order in Cr.M.P.No.6843/2024 and disburse the amount to the petitioner as order passed by the learned Judicial Magistrate, Theni, Theni District.

For Petitioner : Mr.M.Dhinakar

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This petition is filed by the petitioner to direct the respondent police



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to comply with the order passed in Cr.M.P.No.6843/2024 and disburse the amount to the petitioner as order passed by the learned Judicial Magistrate, Theni, Theni District.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in this case. He filed a petition before the Trial Court under Sections 497 and 503 of BNSS and thereafter, learned Magistrate allowed the petition by directing the Investigating Officer to produce the property seized in Crime No.330 of 2024 before the Court and after assigning property number, the same has to be handed over to the petitioner and the petitioner has also executed a bond for a sum of Rs.5,50,000/- along with two sureties. While so, the respondent has not complied with the order of the learned Magistrate. Therefore, he filed this petitioner.

3. The learned Government Advocate (Crl.Side) for the respondent would submit that they already complied with the order of the learned Magistrate. Already, they produced the property before the Judicial Magistrate Court, Theni through appropriate form and thereafter, based on the direction of the learned Magistrate, the amount has been deposited in



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the Bank in Crime No.330 of 2024 and now, the amount is lying in the Bank deposit. Therefore, they already complied with the order of the learned Magistrate.

4. At this juncture, by way of reply, the learned counsel for the petitioner, would submit that no such order was passed by the learned Magistrate to deposit the amount into the bank. Therefore, they have not obeyed the order of the learned Magistrate. Since the amount is lying in the Bank in crime No.330 of 2024, the petitioner can approach the Judicial Magistrate, Theni for getting the abovesaid amount, in accordance with law.

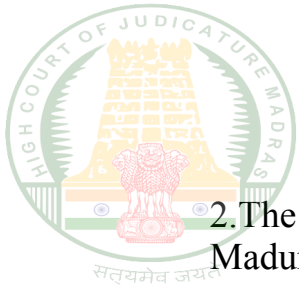
5. With the abovesaid observations, this Criminal Original Petition is closed.

02.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
apd

To
1.The Inspector of Police,
Theni Police Station,
Theni District.

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2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL, J.,

apd

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