

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.26299 of 2016

V.Balagurusamy

[Petitioner]

Vs

State through
The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai-600 040.
(Crime No.11 of 2011)

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to permit the petitioner to travel abroad and visit his son namely Dr.Saravanan Balaguruswamy residing at United Kingdom during the period between January 2017 and May 2017.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.C.Emalias,

Additional Public Prosecutor

O R D E R

This petition has been filed to issue a direction permitting the petitioner to travel abroad and visit his son namely Dr.Saravanan Balaguruswamy residing at United Kingdom during the period between January 2017 and May 2017.

2.It is stated in the affidavit filed in support of this petition that the petitioner's son is a Doctor by profession employed in United Kingdom. He got married to one Dr.Pinki Vedavanam on 07.09.2003 at Chennai. Both practised their profession at United Kingdom and they were blessed with a female child by name Shreya. Thereafter, difference of opinion arose between them resulting in the grant of divorce by the Jurisdictional Court at United Kingdom. After a period of one year, Dr.Pinky Vedavanam along with her child Shreya came to India, ie., in January 2011 and lived with her parents. Thereafter, in February 2011, she approached this Court seeking the relief of injunction under the Guardians and Wards Act to restrain the petitioner's son from taking away the child. It is

also stated that Dr.Pinky Vedavanam was directed by the High Court of Justice Family Division Liverpool District Registry, United Kingdom to surrender, but she had not complied with the same. Further in October 2011, Dr.Pinky Vedavanam addressed a complaint to the General Medical Council at United Kingdom with the allegation of physical, verbal and financial abuse by the petitioner's son. She also addressed another complaint in November 2011 before the Deputy Commissioner of Police, Anna Nagar, Chennai against the petitioner's wife, ie., her mother-in-law, and also against her sister-in-law, her husband and the petitioner, which culminated in the registration of the First Information Report. The petitioner also moved this Court vide CrI.OP.Nos.29449 of 2011 and 229 of 2012 and obtained anticipatory bail order without condition. Thereafter, a complaint was preferred by Dr.Pinky Vedavanam to the Protection Officer under the Domestic Violence Act. A private complaint was also filed by the father of Dr.Pinky Vedavanam, before the learned X Metropolitan Magistrate Court at Egmore, Chennai against the petitioner, his wife and their son, which was dismissed by the Court. The petitioner also filed various petitions to quash the proceedings initiated by Dr.Pinky Vedavanam, before the Courts. Thus, it is stated that the petitioner is running from pillar to post to safeguard himself from the frivolous and vexatious prosecutions initiated by Dr.Pinky Vedavanam and her father. It is also stated that some of the proceedings initiated by Dr.Pinky Vedavanam ended in dismissal and some of the proceedings ended in grant of stay by this Court. Stating so, this Criminal Original Petition has been filed with the prayer as already stated supra.

3.The learned counsel for the petitioner has submitted that the petitioner and his wife had approached this Court during June 2013 seeking permission to travel abroad for a period of three months and this Court granted permission in CrI.O.P.No.9586 of 2013 by order dated 29.04.2013. He also submitted that even during May 2015 the petitioner approached this Court seeking permission to travel abroad and the same was permitted in CrI.O.P.No.14275 of 2015. He further submitted that even though proceedings are pending against the petitioner and his son in C.C.No.3792 of 2012 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, as such it has been stayed by this Court. Thus, the learned counsel for the petitioner prayed that permission may be granted to the petitioner to travel abroad during the period between January 2017 and May 2017 to meet his son Dr.Saravanan Balaguruswamy.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is seen that the proceedings in C.C.No.3792 of 2014 has

been stayed by this Court in Crl.O.P.No.25797 of 2014 on 18.09.2014 and the stay is still in force. The petitioner has roots in India and there are reasons to believe that he will not abscond. It is also brought to the notice of this Court that earlier, in Crl.O.P.No.9586 of 2013, this Court had passed an order on 29.04.2013 granting permission to the petitioner to visit the United Kingdom. Thereafter, this Court had also passed an order on 12.06.2015 in Crl.O.P.No.14275 of 2015 granting permission to the petitioner to visit the United Kingdom and Singapore.

6.Under such circumstances, permission is granted to the petitioner to visit the United Kingdom. The petitioner shall appear before the learned X Metropolitan Magistrate, Egmore, Chennai and file an affidavit disclosing his address in the United Kingdom and also about his itinerary. On such affidavit being filed with petition, the learned X Metropolitan Magistrate, Egmore, Chennai, is directed to accept the same and formally grant permission to the petitioner.

7.The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM
To

1.The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai-600 040.

2.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Mr.R. Ganesh Kumar, Advocate, S.R.No.72332

mv (CO)
md(19/12/2016)

Crl.O.P.No.26299 of 2016