

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P.(MD)No.9500 of 2017**

Ferozkhan

... Petitioner

-Vs-

The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.9 of 2013)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Sivakasi, to permit the petitioner to go abroad namely China on suitable condition that may be imposed by this Court.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondent : Mr.K.Anbarasan

Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed to direct the learned Judicial Magistrate, Sivakasi to permit the petitioner to go abroad viz., China on suitable condition that may be imposed by this Court.

2. Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel appearing for the petitioner submitted that on the basis of the complaint given by one Ponnarasi, a case was registered in Crime No.9 of 2013, for the offences under Sections 498(A), 406 and 494 of IPC on the file of the respondent Police. The respondent police filed a charge sheet and the same was taken on file by the learned Judicial Magistrate, Sivakasi, in C.C.No.330 of 2013. He would further submit that the accused nos. 2 and 3 have already filed Crl.O.P(MD).No.18115 of 2013, before this Court and obtained stay of further proceedings in C.C.No.330 of 2013, by order dated 14.11.2013.

4. The learned counsel appearing for the petitioner further submits that his Uncle Syed Hussain was working in a hotel at



China and subsequently, he died. It is further stated in connection with some proceedings for getting the terminal benefits of his uncle, he need to go to abroad for specific purpose. In such circumstances, the petitioner filed this petition seeking permission to go to abroad subject to any other condition that will be passed by this Court.

5. The learned Government Advocate (Crl.Side) appearing for the respondent on instructions submitted that there is no serious objections. However, the petitioner may be directed to file appropriate affidavit before the concerned Judicial Magistrate to satisfy and the learned Judicial Magistrate has to see the genuineness of the petitioner's request.

6. Having regard to the nature of the case, facts and circumstances indicated above, this Court is inclined to pass the following direction:

"The petitioner is directed to file a petition before the learned Judicial Magistrate, Sivakasi seeking permission to go abroad by furnishing all the particulars and documents and on filing of the said petition, the said Magistrate is directed to consider the same on merits preferably" with in a period of 2 weeks.

7. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.

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

+1cc to M/S. D.SHANMUGARAJA SETHUPATHY, Advocate, SR.No.67892.

CRL.O.P. (MD) No.9500 of 2017
24.07.2017