



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17370 of 2018

Mohamed Sulthan Noor Mohamed

.. Petitioner

Vs

1.The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram.

2.The Passport Issuing Authority,
Bharathi Ula Street,
Race Course Road,
Madurai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the first respondent to issue a police clearance report to the second respondent without influencing the C.C.No.97 of 2013 on the file of the Judicial Magistrate No.II, Ramathapuram in Crime No.7 of 2008 so as to enable the petitioner to travel abroad.

For Petitioner : Mr.RM.Arun Swaminathan

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

For R2 : Mr.R.Murugappa
CGSC

O R D E R

The petitioner has filed this criminal original petition seeking for a direction to the first respondent to issue a police clearance report in order to enable the petitioner to travel Abroad.

2.The learned counsel for the petitioner would submit that the petitioner is added as A2 in the final report. The final report filed by the respondent police in C.C.No.97 of 2013 on the file of the Judicial Magistrate No.II, Ramanathapuram, has already been challenged by this petitioner and this Court has also granted stay of all further proceedings pending the criminal original petition.



3.The learned counsel for the petitioner would further submit that the final report insofar as A1 is concerned, has already been quashed by this Court. In the meantime, the petitioner wants to go Abroad in order to attend a family function at Malaysia.

4.The learned Government Advocate (Crl.side) for the first respondent would submit that in view of the pendency of the proceedings, the petitioner cannot be granted a police clearance certificate.

5.The learned counsel for the second respondent would also submit that if the police clearance certificate is granted, that will tantamount to giving a clean chit to the petitioner.

6.Admittedly, the criminal original petition filed by the petitioner challenging the final report is pending before this Court. Therefore, at this stage, the police clearance certificate cannot be given by the respondent police to the petitioner. However, the petitioner wants to confine his relief and he wants to only attend the family function at Malaysia and for that purpose, he is seeking necessary permission of this Court to go Abroad and to return back on a specified date.

7.The petitioner has filed an undertaking affidavit before this Court today. It is relevant to extract the following para from the undertaking affidavit.

" In these circumstances, I am hereby submitting this undertaking affidavit before this Court. For my family function, I am planning to go to Malaysia on 18.10.2018, and return back on 07.11.2018".

8.In view of the above undertaking, the petitioner shall be permitted to go Malaysia on 18.10.2018. It is made clear that the petitioner shall return back to India on 07.11.2018 as undertaken in the affidavit filed before this Court. Immediately, after returning back to India, the petitioner shall report before the first respondent police and intimate about his return.

9.It is made clear that as and when the petitioner wants to leave the country, he has to seek permission of this Court and only thereafter, the petitioner can leave the country.

10.In view of the above, the petitioner shall be permitted to go Malaysia on 18.10.2018 and the petitioner shall return back to India on 07.11.2018 and report before the first respondent police.



11. This criminal original petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS I)

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/True Copy/

Sub Assistant Registrar (CS I)

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To

1. The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram.

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

1CC TO MR. R. MURUGAPPAN, ADVOCATE SR 89816

NM SKN SAR 1

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