

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12463 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

“... to pass an order, direction or a writ particularly in the nature of Writ of certiorari thereby declaring that the orders passed by the learned XIII ACMM, Nampally, Hyderabad, in CrI MP No.348 of 2018 in CC No.117 of 2016, dated 06-02-2018, to the extent of directing the petitioners to seek permission of the court to leave its jurisdiction, is illegal, arbitrary and in violation of Article 19(1)(g) and Article 21 of the Constitution of India and Quash the same, consequently, this Hon'ble Court may be pleased to direct the learned XIII A.C.M.M., Nampally, Hyderabad, to permit the petitioners to travel abroad to continue their jobs and eakout their livelihood pending C.C.No.117 of 2016 by allowing them to be represented by the Special Vakalath Holder, without insisting them to appear on each date of hearing except on mandatory stages as per Cr.P.C., and pass such other order or orders.”

I have heard the submissions of Sri Mohd.Osman Shaheed, learned senior counsel appearing for the petitioners, and of the learned Government Pleader for Home (TG) appearing for the respondents.

Learned senior counsel would submit that while enlarging the petitioners-A1 to A3 on bail *vide* orders, dated 06.02.2018 in CrI MP.No.348 of 2018 in C.C.No.117 of 2016, the learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, directed each of them to execute personal bond for Rs.10,000/- with

two sureties each in a like sum each and further imposed a condition not to leave India without prior permission of the Court and directed to file affidavits disclosing as to how many passports are in the custody of the petitioners-accused. Aggrieved thereof, the present writ petition is filed.

Learned senior counsel would further submit that the dispute is a matrimonial dispute and that if the petitioners 1 & 2, who are employed abroad, are not allowed to leave the country, there is likelihood that they may lose their jobs and that in that event they would suffer serious and irreparable loss.

Learned Government Pleader would submit that once charge sheet is filed and a Calendar Case is taken on file, the police have no role to play in the matter.

This Court noticed that the informant, Samia Faheem, is not added as a party respondent in this writ petition.

Learned senior counsel submitted that in the event this Court is inclined to dispose of the writ petition, the petitioners may be reserved liberty to approach the learned Magistrate for relaxation of the condition with regard to not leaving India without prior permission of the said Court.

Recording the submissions and without going into the merits of the matter, the Writ Petition is disposed of reserving liberty to the petitioners to approach the learned XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, for appropriate relief by following

the procedure established by law. It is needless to state that the petitions, if any, filed by the petitioners and pending, may also be considered and disposed of by the learned Magistrate in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

11.04.2018

Note: Issue CC by 12.04.2018.

[B/o]

Vjl

