

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1992 of 2019

and

Crl.M.P.No.1272 of 2019

M.Amala

...Petitioner

Vs.

1.The Inspector of Police,
W-8, all Women Police Station,
Thirumangalam,
Chennai-600 037.

2.Saravanakumar @ Yeshwanth

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 09.01.2019, passed in Crl.M.P.No.4127 of 2018 in Crime No.20 of 2018 on the file of the Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.E.J.Ayyappan

For Respondents : Mr.M.Mohamed Riyaz

Addl. Public Prosecutor for R1

Mr.R.Thirumoorthy for R2

ORDER

This Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 09.01.2019, passed in Crl.M.P.No.4127 of 2018 in Cr.No.20 of 2018 on the file of the Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai. Wherein, the learned Magistrate permitted the 2nd respondent / accused to leave from India for six months with advance notice to the respondent police with containing the place of visit and address and other details.

2.The learned counsel for the petitioner would submit that the case has been registered as against the 2nd respondent for the offences under Section 498A,313 and 494 IPC., in Crime No.20 of 2018 on the file of the 1st respondent police. The 2nd respondent was accordingly

arrested and released on bail on 06.12.2018.

3.The learned counsel would further submit that divorce proceedings is also pending in H.M.O.P.No.274 of 2014 on the file of the Sub Court Poonamallee and hence the presence of the 2nd respondent is very much required to complete the trial in the divorce petition. The learned counsel would further submit that the 2nd respondent was not cooperating with the 1st respondent police to complete the investigation. Only because of his absence, the entire investigation is stalled and the 1st respondent is not able to proceed further with the investigation and could not file final report. Therefore, praying for set aside.

4.Per contra, the learned counsel for the 2nd respondent would submit that the 2nd respondent is the husband of the petitioner. He was arrested and subsequently released on bail. He is working abroad as project Manager in AG Melco Elevator Co. LLC Company at Diera, Dubai, UAE. The 2nd respondent duly obtained permission of the learned Metropolitan Magistrate, the Additional Mahila Court, Egmore, Chennai and left India for his avocation, as his employer deputed him for his employment. Therefore, the trial Court considered the same and rightly allowed the petition. Accordingly, prays for dismissal of this petition.

5.The learned Additional Public Prosecutor would submit that the case of the 2nd respondent is pending in H.M.O.P.No.274 of 2014 on the file of the Sub Court Poonamallee. This Court has already directed the 1st respondent police to complete the investigation and file a final report within a period of two months. Investigation is still pending.

6.It is seen from the records that the Trial Court permitted the 2nd respondent / accused to leave from India for a period of six months with advance notice to the respondent police with containing the place of visit and address and other details. Accordingly, the 2nd respondent produced all the details before the 1st respondent and went to Dubai for his employment. The condition imposed on the 2nd respondent reads as follows:

- (i)The petitioner is permitted to leave from India for six months with advance notice to the respondent police with containing the place of visit and address and other details

- (ii) He shall furnish property security (Original title deed or in cash) of his own or his relatives to the value of Rs.10,00,000/-.
- (iii) The petitioner is directed to report the respondent police as and when he returns from abroad.

7.It is also observed that there is no specific date mentioned in the said order for the return of the 2nd respondent. The petitioner apprehends that the 2nd respondent is not going to come back to India and the petitioner will be lured.

8.Considering the above facts and circumstances of the case, the 2nd respondent is hereby directed to return to India on or before 01.08.2019 and report before the 1st respondent on 02.08.2019. If the 2nd respondent fails to report before the 1st respondent as directed by this Court, the 1st respondent shall take appropriate action against the 2nd respondent in accordance with law.

9.With the above observation, this Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition is closed.

vsn/kas

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
W-8, all Women Police Station,
Thirumangalam, Chennai-600 037.
 - 2.The Metropolitan Magistrate
Additional Mahila Court, Egmore, Chennai.
 - 3.The Public Prosecutor,
High Court of Madras, Madras.
- +1cc to Mr.E.J.Ayyappan, Advocate SR.No. 12194
+2cc to Mr. R.Thirumoorthy, Advocate SR.No. 12264

Cr1.O.P.No.1992 of 2019
and
Cr1.M.P.No.1272 of 2019

A.SK(11/03/2019)