

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10083 of 2019

V.Balagurusamy

... Petitioner

Vs

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

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to permit the petitioner to travel abroad and visit his son namely Dr.Saravanan Balaguruswamy residing at United Kingdom during month of May,2019 to September, 2019.

For Petitioner : Mr.R.Sivakumar

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

ORDER

The prayer in the present petition is to permit the petitioner to travel abroad and visit his son namely Dr.Saravanan Balaguruswamy residing in United Kingdom during the period between month of May 2019 to September 2019.

2. It is submitted by the learned counsel for the petitioner that, in view of the pendency of the criminal proceedings in C.C.No.3792 of 2012 on the file of the learned Judicial Magistrate No.X, Egmore, Chennai, the petitioner's application for issuance of travel documents for the purpose of visiting the United Kingdom has been denied. It is seen that the impugned proceedings pertains to matrimonial dispute, wherein the petitioner has been charged with an offence under Section 498-A IPC among other Sections.

3. Challenging the said charge sheet in C.C.No.3792 of 2012 on the file of the learned Judicial Magistrate No.X, Egmore, Chennai, the petitioner has filed petition to quash the proceedings before this Court in Crl.O.P.No.8544 of 2018 and by an order dated 27.03.2019, proceedings have been stayed pending the Criminal Original Petition.

4. Already this Court has permitted the petitioner to travel abroad to visit his son Dr.Saravanan Balaguruswamy by an order dated 27.03.2019 in CrI.N.P.No.8544 of 2018 referring to a Gazette notification issued by the Ministry of External Affairs, Government of India, dated 25 th August 1993.

5. The above referred notification is self explanatory and as such, the mere pendency of the criminal proceedings will not prevent the petitioner to travel abroad for which purpose issuance of travel permit or Visa is necessary. As such, the petitioner would be at liberty to travel in and out of the Country, without reference to any pendency of the criminal proceedings.

6. In view of the above, it would be appropriate to permit the petitioner to travel outside the Country. Consequently, the Criminal Original Petition stands allowed, with the observations that the petitioner is permitted to leave the Country for the purpose of visiting the United Kingdom.

7. In this connection, the petitioner shall appear before the Judicial Magistrate No.X, 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 Judicial Magistrate No.X, Egmore, Chennai, is directed to accept the same and formally grant permission to the petitioner.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

vsn/mpa

To

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

2.The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate X
Egmore, Chennai
+3 Ccs to Mr.K.M.Vijay Associates sr 36431.

CrI.O.P.No.10083 of 2019

SP(26/04/2019)