

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 04.07.2019

CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.17608 of 2019

G.S.Vasavi

.. Petitioner/Accused

.Vs.

1.State, rep.by

The Inspector of Police,  
K-6, T.P.Chatram Police Station,  
Chennai.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the learned V Metropolitan Magistrate, Egmore in Crl.MP.No.7090 of 2019 in Cr.No.124 of 2019 of K-6, T.P. Chatram Police Station, allow her to travel abroad.

For Petitioner : M/s.Sudha Ramalingam

For Respondent : Mr.C.Raghavan  
Government Advocate

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking for the permission of the Court to permit the petitioner to travel abroad in order to continue with her education.

2. The petitioner has been shown as an accused in Cr.No.124 of 2019. The petitioner is a student, who is pursuing her degree in psychology at Eastern Florida State College, Melbourne, USA. The petitioner has to rejoin the classes on 02.07.2019, failing which she will lose her scholarship and it will adversely affect her future prospects.

3. The petitioner filed an application before the Court below in Crl.M.P.No.7090 of 2019, praying for permitting the petitioner to go abroad in order to continue her studies. The Court below had dismissed the application by an order dated 01.07.2019, on the ground that if the petitioner is permitted to go abroad, it will have a serious impact on the pending investigation. Aggrieved by the same, the present Criminal Original Petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the petitioner is a national level tennis player and she got a full scholarship to pursue her studies at Eastern Florida State College, Melbourne, USA. The petitioner had to join the classes on 02.07.2019, and if the petitioner does not report to the College, the scholarship given to the petitioner will be cancelled which in turn will have a very serious impact on the future prospects of the petitioner. The learned counsel further submitted that an affidavit was filed before the Court below specifically undertaking to co-operate with the investigation whenever required by the respondent Police and also will be present before the Court at the time of trial, whenever required by the Court. Inspie of this undertaking, the Court below had rejected the application. The learned counsel for the petitioner also brought to the notice of this Court, the order passed by the Court in Crl.O.P.No.16276 of 2019, wherein, this Court has stayed the investigation in Cr.No.124 of 2019.

5. The learned Government Advocate appearing on behalf of the respondent submitted that the investigation is pending in this case and therefore if the petitioner is permitted to go abroad, it will affect the progress of the investigation. The learned counsel further submitted that there is a connected case which is investigated by the All Women Police Station, Kilpauk in Cr.No.1 of 2019.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. It is seen from records that the petitioner is pursuing her degree in psychology at Eastern Florida State College, Melbourne, USA on a full scholarship. The petitioner was unfortunately caught in a criminal proceedings and the criminal proceedings itself has been stayed by this Court in Crl.O.P.No.16276 of 2019. Therefore till the disposal of the case, no investigation can go on and therefore the petitioner cannot be made to wait for the conclusion of the investigation. If the petitioner does not report before the College, the scholarship given to the petitioner will be cancelled and that will adversely affect the future prospects of the petitioner.

8. The petitioner is a young girl aged about 20 years who wants to pursue her studies at USA. The petitioner has also given a specific undertaking to the effect that she will co-operate for the investigation and she will appear before the respondent Police as and when required. While such an undertaking is given by the petitioner, the Court must lean in favour of the petitioner and permit her to undergo the studies. If such a permission is not granted, the petitioner will be put to irreparable loss and hardship.

9. This Court has no hesitation to interfere with the order passed by the Court below and accordingly, the Order passed in Crl.M.P.No.7090 of 2019 dated 01.07.2019, is hereby set aside. The petitioner is permitted to travel to USA to pursue with her studies. The petitioner shall file an affidavit before the Court below giving the details of the place where she is going to travel for her studies and her contact number and contact address, in order to enable the petitioner to be contacted by the respondent Police as and when required. The petitioner shall also state in the affidavit that she will be available for investigation as and when required by the respondent Police. This affidavit shall be taken on file by the Court below.

In the result, this Criminal Original Petition is allowed with the above directions.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,  
K-6, T.P.Chatram Police Station,  
Chennai.

2. V Metropolitan Magistrate,  
Magistrate Court, Egmore.

3.The Chief Metropolitan Magistrate,  
Egmore, Chennai.

4.The Public Prosecutor,  
High Court, Madras.

+3ccs to M/s.Sudha Ramalingam, Advocate, S.R.No.56030

MP(CO)

RRS (04/07/2019)

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