

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12255 of 2020

Arun Sathya

S/o.Anbazhagan

Petitioner is residing at:

No.229, New No.167, Giri Amman Koil Street,
Peelamedu, Coimbatore-641 004.

Petitioner presently residing at:

Bahrain Pipes B.S.C.(c)

P.O.Box 530 Manama,

Kingdom of Bahrain

... Petitioner/ Accused 3

Vs.

1. The Passport Officer,
Regional Passport Office,
1st Corporation Commercial Complex,
Avinashi Road,
Coimbatore-641 018.

2.State By:

The Inspector of Police,
B6, Peelamedu Police Station,
274, Avinashi - Coimbatore Road,
Peelamedu, Coimbatore-641 004.

3.State By:

The Inspector of Police,
W.35, All Women Police Station,
West Tambaram,
Chennai-600 045.

4.Abirami Chakravarthi

W/o.Kuttimani

No.3, Tamil Poonga Street,
Gragalaya Apartments, A-Block,
Irumpuliyur, Chennai-600 045.

... Respondents

[R4 is impleaded as per order of
this Court dated 11.09.2020
made in Crl.M.P.No.5343 of 2020]

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 1st respondent to renew the petitioner's Passport bearing No.Z1775997 for a period of 5 years and to give suitable instruction to the Indian Embassy at Bahrain.

For Petitioner : Mr.N.R.Ilango, Senior Counsel
for Mr.Sunder Mohan

For 1st Respondent : Mr.S.V.Jayakumar

For Respondents 2 and 3: Mr.S.Karthikeyan
Additional Public Prosecutor

For 4th Respondent : Mr.J.Ravikumar

O R D E R

This petition has been filed to direct the 1st respondent to renew the petitioner's Passport bearing No.Z1775997 for a period of 5 years and to give suitable instruction to the Indian Embassy at Bahrain.

2. The learned Senior Counsel appearing for the petitioner submitted that on the complaint lodged by the 4th respondent, the 3rd respondent registered a case in Crime No.17 of 2017 for the alleged offences under Sections 498-A, 406 and 506(i) of IPC and completed the enquiry and filed a final report and the same has been taken cognizance in C.C.No.91 of 2018 on the file of the learned Judicial Magistrate, Tambaram and it is pending for trial. There are totally three accused, in which, the petitioner is arraigned as A3. In fact, the petitioner along with A2 had filed quash petition before this Court in CrI.O.P.Nos.920 of 2019 and 924 of 2019 to quash the entire proceedings in C.C.No.91 of 2018 and the entire proceedings are being stayed by this Court, by order dated 11.01.2019.

3. The learned Senior Counsel further submitted that the petitioner is now residing at Bahrain and his Passport expires on 16.09.2020. Since the pendency of the proceedings in C.C.No.91 of 2018, the 1st respondent requested to renew the passport of the petitioner herein. He further submitted that petitioner's mother namely A2 also filed a direction petition before this Court in CrI.O.P.No.19569 of 2019 and this Court, by order dated 07.08.2019, directed the 1st respondent to renew her passport for a period of one year. Therefore, he sought for direction to the 1st respondent to renew his passport bearing No.Z1775997 and to give suitable instruction to the Indian Embassy at Bahrain.

4. Per contra, the learned counsel appearing for the 4th respondent submitted that there are serious allegations as against all the accused persons. The 4th respondent got married with the A1 and due to their wedlock they gave birth to a child. Now, the child is in the custody of the accused persons at Bahrain and as such, the 4th respondent/mother of the child, could not be able to see her child residing at Bahrain with A2 and A3. If the petitioner's passport is renewed for a further period, there is absolutely no chance to the accused persons to visit India and the entire trial proceedings would be stalled.

5. The learned counsel appearing for the 1st respondent would submit that already the petitioner is the 3rd accused in C.C.No.91 of 2018, which is pending on the file of the learned Judicial Magistrate, Tambaram. When the case is pending as against the petitioner, the 1st respondent cannot renew the passport for a further period, since now he is residing at Bahrain.

6. The learned Additional Public Prosecutor appearing for the respondents 2 and 3 submitted that on the complaint lodged by the 4th respondent, the 3rd respondent registered a case and filed a final report for the absconding charges for the offences under Sections 498-A, 406 and 506(i) of IPC and filed absconding charge sheet and the same has been taken cognizance in C.C.No.91 of 2018 on the file of the learned Judicial Magistrate, Tambaram. Thereafter, A2 and A3 have approached this Court for quashing the proceedings in CrI.O.P.Nos.920 and 924 of 2019 and this Court stayed all the proceedings and the Criminal Original Petitions are pending before this Court.

7. Heard Mr.N.R.Ilango, Senior Counsel appearing for the petitioner and Mr.S.V.Jayakumar, learned counsel appearing for the 1st respondent and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 2 and 3 and Mr.J.Ravikumar, learned counsel appearing for the newly impleaded 4th respondent herein.

8. The petitioner is arraigned as A3 in C.C.No.91 of 2018 on the complaint lodged by the 4th respondent for the offences punishable under Sections 498-A, 406 and 506(i) of IPC. The petitioner also filed the petition to quash the entire proceedings before this Court in CrI.O.P.No.924 of 2019, this Court granted interim stay of further proceedings in C.C.No.91 of 2018 and it is pending. In fact, A2, mother-in-law of the 4th respondent also filed quash petition in CrI.O.P.No.920 of 2019, it is also pending.

9. The learned Senior Counsel would submit that A2, namely the mother of the petitioner herein also filed similar petition before this Court in Crl.O.P.No.19569 of 2020, for renewal of her passport and this Court has passed the following order as follows:

'2. It is brought to the notice of this Court that the proceedings in C.C.No.91 of 2018 has been challenged before this Court in Crl.O.P.Nos.920 and 924 of 2019 and this Court has stayed the proceedings and the petitions are pending. Therefore, there is no progress in the case before the trial Court. In the meantime, the passport of the petitioner has expired on 15.07.2019. The petitioner is living at Bahrain and she has already applied for the renewal of the passport.

3. The passport cannot be renewed without the orders passed by this Court, since the Criminal Original Petition is pending. The fate of the case will be known only after the disposal of the Crl.O.P.Nos.920 and 924 of 2019.

4. In view of the above, there shall be a direction to the first respondent to renew the passport of the petitioner for a period of one year.

5. Post this case along with Crl.O.P.Nos.920 and 924 of 2019 after six weeks 'for final hearing'.

10. Considering the above submissions and also the facts and circumstances of the case, the first respondent is directed to renew the passport of the petitioner bearing No. Z1775997 for a period of one year.

11. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The Judicial Magistrate,
Tambaram.

2. The Passport Officer,
Regional Passport Office,
1st Corporation Commercial Complex,
Avinashi Road,
Coimbatore-641 018.

3. The Inspector of Police,
B6, Peelamedu Police Station,
274, Avinashi - Coimbatore Road,
Peelamedu, Coimbatore-641 004.

4. The Inspector of Police,
W.35, All Women Police Station,
West Tambaram,
Chennai-600 045.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sunder Mohan, Advocate Sr.29730

Crl.O.P.No.12255 of 2020

sv[co]
srg 16/10/2020



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