

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Thirtieth day of June Two Thousand Twenty One

PRESENT

HON`BLE MR JUSTICE M.NIRMAL KUMAR

WMP No.13447 of 2021

in WP.No.9856 of 2020

S.VISHNURAM [PETITIONER]
S/O.T.SIVAGANASAMBANDAN, REP. BY HIS POWER
OF ATTORNEY, T.SIVAGNANASAMBANDAN,
S/O.THIRUMALAISAMY, J.APARTMENT,23 HOSPITAL
ROAD, KAVERY NAGAR, CHENNAI-600017.

Vs

1 THE REGIONAL PASSPORT AUTHORITY, [RESPONDENTS]
SASTRI BHAVAN, CHENNAI-600 006.

2 THE IMMIGRATION OFFICER,
CHENNAI AIRPORT,
AIRPORT AUTHORITY OF INDIA,
CHENNAI

3 THGE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
GREATOR CHENNAI, VEPERY, CHENNAI-600 007.

4 THE INSPECTOR OF POLICE, सतयमेव जयते
W,25, ALL WOMEN POLICE STATION,
T.NAGAR, CHENNAI-600 017.

5 THE DEPUTY COMMISSIONER OF
POLICE, (CRIME AGAINST WOMEN AND CHILDREN)
GREAMS ROAD, THOUSAND LIGHTS, CHENNAI-600006.

(R5 IMPEADED VIDE ORDER DT 26/8/2020 MADE IN WMP.14113/2020 IN
WP.9856/2020)

6 J.SHAMLA
(R6 IMPEADED VIDE ORDER DT 26/8/2020 MADE IN WMP.14113/2020 IN
WP.9856/2020)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time to comply the condition Para No. 4 in WMP.No.6149 of 2021 in WP.9856 of 2020 dated 24.03.2021 on condition that the petitioner shall return to India on or before 30.06.2021 and report before the fourth Respondent in Crime No.5 of 2019, (in WMP.No.13447/2021) pending disposal of the above WP.No.9856/2020.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.SANKARASUBBU, Advocate for the petitioner and of M/S.A.DAMODARAN, State Government for the 3 to 5 respondents the court made the following order:-

The petitioner earlier had filed a Writ Petition in W.P.No.9856 of 2020 for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 03.07.2020 by permitting the petitioner to go back to United Kingdom (London) in Passport No.X4076654. This Court by order dated 10.09.2020 had allowed the above said writ petition and passed the following order:

(i) directing the respondents viz., Regional Passport Authority, Immigration Officer, Commissioner of Police to permit the petitioner to visit U.K. (London) through his passport No.X4076654;

(ii) the petitioner shall return to India on or before 15.03.2021 and report before the fourth respondent in Cr.No. 5 of 2019;

(iii) the petitioner shall furnish his address in which he is going to stay at U.K and also travelling particulars such as date of travel, tickets etc., to the fourth respondent;

(iv) if the petitioner violated any of the conditions, the fourth respondent is directed to take appropriate steps to secure the petitioner in accordance with law.

2. Thereafter, the petitioner had filed a miscellaneous petition in WMP.No.6149 of 2021 in W.P.No.9856 of 2020 seeking for relaxation of the condition No.ii, imposed by this Court by an order dated 10.09.2020 and this Court by an order dated 24.03.2021, permitted the petitioner to return to India and report before the fourth respondent i.e. The Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai in Crime No.5 of 2019, on or before 30.06.2021. The petitioner has unable to comply the above said order and now filed this present miscellaneous petition seeking extension of time to appear before the fourth respondent viz., The Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai due to the pandemic situation prevailing in United Kingdom

and he is forced to remain there. The travel restrictions imposed and hence, the petitioner is unable to return to India and report before the fourth respondent on 30.06.2021.

3.The contention of the petitioner is that the petitioner and one J. Shyamala got married on 12.11.2014 and due to their strained relationship both of them decided to get divorce on mutual consent and they have filed a petition under Section 13b) of Hindu Marriage Act for divorce in O.P.No.1548 of 2016 before the learned Principal Family Court, Chennai and the Principal Family Court granted divorce on mutual consent by Judgment and Decree dated 23.10.2017. After the grant of the divorce petitioner's estranged wife filed a petition for maintenance in M.C.No.42 of 2019 before the Principal Family Court, Chennai and the same was allowed in favour of the petitioner's estranged divorced wife by order dated 06.03.2019, directing the petitioner to pay a sum of Rs.10,000/- per month as maintenance. Now the petitioner's estranged wife has filed a case against the petitioner and his parents for the offence under Section 498-A IPC in Crime No.5 of 2019. The petitioner during the course of investigation, he was arrested and let out on bail and thereafter appeared before the respondent and co-operated with the investigation. It is seen that the petitioner is facing investigation for the offence under Section 498-A and he had already appeared before the fourth respondent police.

4.In view of the same the condition imposed on the petitioner to appear before the fourth respondent police i.e. The Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai is totally relaxed. The petitioner is directed to appear as and when the fourth respondent needs the presence of the petitioner. The fourth respondent viz., The Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai is to inform the same to the petitioner through summons or through E-mail or through his Power of Attorney viz. Mr.T.Sivagnanasambandan, father of the petitioner. As and when the petitioner is called he shall respond and appear. The petitioner's father i.e. the Power of Attorney shall submit an affidavit of the petitioner duly notarized to the fourth respondent/The Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai giving particulars about the present place of residence, contact details and E-mail address of the petitioner, with an undertaking by the petitioner that he shall appear whenever it is absolutely necessary before the Inspector of Police, W-25, All Women Police Station, T.Nagar, Chennai and also before the trial Court as and when summoned.

5.With the above direction, this miscellaneous petition is disposed of.

-sd/-

30/06/2021

/ TRUE COPY /

TO

1 THE REGIONAL PASSPORT AUTHORITY,
SASTRI BHAVAN, CHENNAI-600 006.

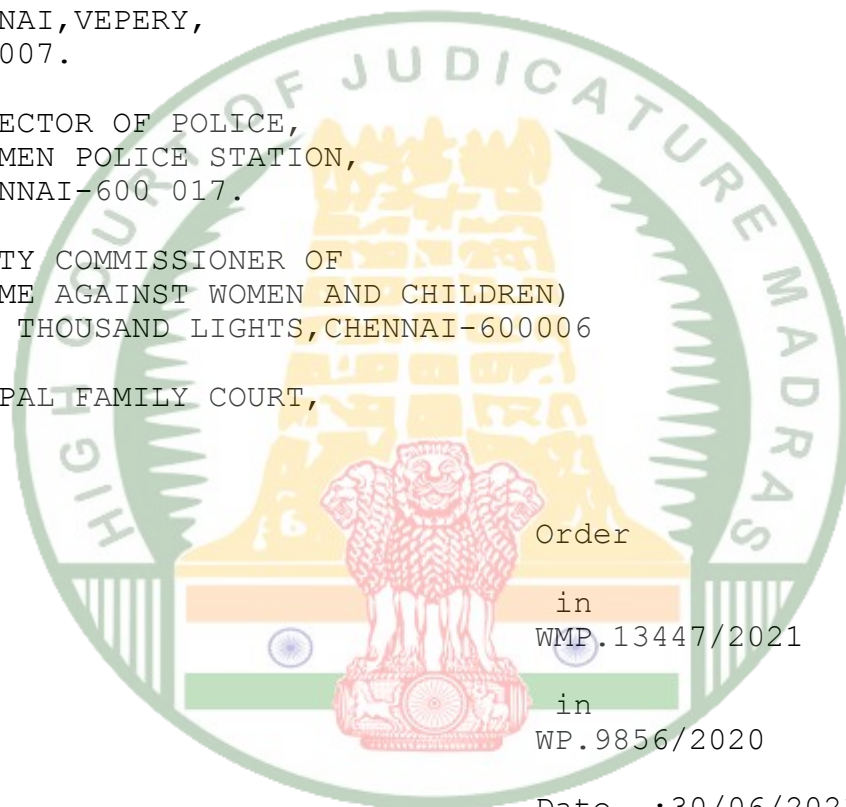
2 THE IMMIGRATION OFFICER,
CHENNAI AIRPORT, AIRPORT AUTHORITY OF INDIA,
CHENNAI

3 THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
GREATOR CHENNAI, VEPERY,
CHENNAI-600 007.

4 THE INSPECTOR OF POLICE,
W,25, ALL WOMEN POLICE STATION,
T.NAGAR, CHENNAI-600 017.

5 THE DEPUTY COMMISSIONER OF
POLICE, (CRIME AGAINST WOMEN AND CHILDREN)
GREAMS ROAD, THOUSAND LIGHTS, CHENNAI-600006

6 THE PRINCIPAL FAMILY COURT,
CHENNAI



Order

in
WMP.13447/2021

in
WP.9856/2020

Date :30/06/2021

From 26.2.2001 the Registry is issuing certified
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KP(06/07/2021)

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