



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1557 OF 2022

1.Thangaraj,
S/o.Ramesh

2.V.Suresh Kanna,
S/o.Venkatesan

... Petitioner

Vs.

The State rep by
The Sub-Inspector of Police
Perumanallur Police Station,
Tiruppur District
(Crime No.738 of 2021)

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, pleaded to set aside the order passed by the learned Principal Sessions Judge. Triuppur in Crl.M.P.No.2014 of 2021 in Crl.M.P.No.1457 of 2021 vide order dated 22.11.2021 and consequently permit the petitioner to report before the Inspector of Police, Poonamallee Police Station, Thiruvallur District in connection with the F.I.R. Registered by the respondent in Crime No.738 of 2021.

For Petitioners : M/s.Moushica for R.Anand

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(The case was heard through video conferencing)

This petition has been filed to set aside the order passed by the learned Principal Sessions Judge. Triuppur in Crl.M.P.No.2014 of 2021 in Crl.M.P.No.1457 of 2021 vide order dated 22.11.2021 and consequently permit the petitioner to report before the Inspector of Police, Poonamallee Police Station, Thiruvallur District connection with the F.I.R. Registered by the respondent in Crime No.738 of 2021.



2.The petitioners who are the accused in Crime No.738 of 2021 registered for the offence u/s.294(b), 323, 506(1) IPC, were granted anticipatory bail in Cr.M.P.No.1457 of 2021 vide order dated 04.09.2021 by the Principal Sessions Judge, Tiruppur. Among the other conditions, one of the conditions imposed on the petitioners is that the petitioners to appear before the respondent police daily at 10.00 a.m. for 30 days. The petitioners being employed in Chennai in a software company, compelled by the employers to attend their work in Chennai, otherwise they put to the fear of losing their jobs. Having no other options during pandemic situation to survive, they had to attend to job and hence came to Chennai and failed to appear before the respondent police. Thereafter, the Judicial Magistrate, Avinashi had issued show notice to the petitioners dated 23.10.2021, why the order of anticipatory bail granted cannot be cancelled for violation of the condition. The petitioners filed petition in Crl.M.P.No.2014 of 2021 putting their difficulty in appearing before the Perumanallur Police Station and prayed that they may be directed to appear before the Poonamallee Police Station, Chennai near their residence. The learned Sessions Judge, vide order dated 22.11.2021, dismissed the same. Hence the present petition.

3.Learned Public Prosecutor submitted that the defacto complainant is estranged wife of the 1st petitioner. Due to matrimonial dispute, the defacto complainant presently living with her parents and continuing her job. The marriage between them took place 1 ½ years ago and within five months after the marriage she had given birth to child. Hence, the 1st petitioner questioned the same and there was exchange of notices and matrimonial dispute arose. The 1st petitioner informed the defacto complainant that the issue can be resolved between them amicably in the presence of family elders and panchayat. Saying so, on 22.08.2021, both the petitioners came to Tiruppur, called the defacto complainant for amicable settlement. The defacto complainant along with her parents had gone there, at that time, the defacto complainant was taken alone and the 1st petitioner slapped her, abused and assaulted her. The 2nd petitioner also joined the 1st petitioner, thereafter, after two days, complaint was given.

4.On perusal of materials, it is seen there is a matrimonial dispute and there is doubt with regard to paternity of the child and exchange of notices. The petitioners as well as the defacto complainant all of them are working in software company. The 1st petitioner working in H.C.L and the 2nd petitioner working in Avary Technology (India) Private Limited and both are employed in Chennai.



5. Finding that it is a matrimonial dispute and the reasons given by the petitioners seems to be appropriate, the petitioners failed to inform the Sessions Court immediately about their difficulty and their advocate ought to have filed appropriate petition. The appearance of the petitioners for 30 days appears to be disproportionate.

6. In view of the same, this Court set aside the order passed in Cr.M.P.No.1457 of 2021 dated 04.09.2021 by the learned Principal Sessions Judge, Tirupur, directing the petitioners to appear before the respondent police for 30 days and also the dismissal order passed by the learned Principal Sessions Judge in Cr.M.P.No.2014 of 2021 dated 22.11.2021. The petitioners are directed to appear before the respondent police on two week ends viz. 12.02.2022, 13.02.2022 and 19.02.2022, 20.02.2022. The other conditions imposed in Cr.M.P.No.1457 of 2021 shall stand unaltered.

7. This Criminal Original Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Tiruppur.
2. The Sub Inspector of Police
Perumanallur Police Station,
3. The Public Prosecutor
High Court of Madras
4. The Inspector of Police,
Poonamallee Police Station,
Thiruvallur District.

CRL.O.P.No.1557 of 2022

PCH(CO)
PM/10/02/2022