



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1613 of 2022

and

C.M.P(MD)No.1161 of 2022

Kasturi

... Petitioner/ Accused No.1

Vs.

The State represented by
The Inspector of Police,
Mandapam Marine Police Station,
Ramanathapuram District.
(In Crime No.21 of 2021).

Transferred to
The Inspector of Police,
Dhanuskodi Police Station,
Ramanathapuram District.
(Crime No.175 of 2021).

... Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime No.175 of 2021 on the file of respondent police and quash the same as against the petitioner.

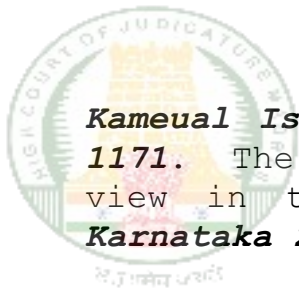
For Petitioner	:	Mr.R.Vivekananthan
For Respondent	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl.Side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

2. The petitioner is a 19 years old young girl from Srilanka. She came to India when she was 16 years of age. She had a valid travel document. She should have returned to her native country after the expiry of the permitted period. She failed to do so. She overstayed. That led to registration of the impugned FIR. The petitioner was arrested. Even after grant of bail, she was not allowed to leave the prison. Therefore, she had to file Crl.O.P(MD) No.20297 of 2021 seeking her release. In other words, the petitioner was in prison for full 100 days.

3. In my view, the petitioner has more than suffered the punishment for the offences which she had technically committed. In my view, this can be taken as sufficient punishment. There is no need to subject her to the trial. I have taken such view in **Mohammed**



Kameual Islam and others Vs State reported 2020 SCC OnLine Madras 1171. The Honorable High Court of Karnataka has taken the very same view in the decision reported in **Tomiwa Lawrence Vs State of Karnataka 2019 SCC OnLine Karnataka 1168.**

4. The impugned prosecution deserves to be terminated in the interest of justice. It is, accordingly, terminated. I am not quashing the FIR as such. I am only terminating the prosecution. The authorities concerned are directed to permit the petitioner to leave India. Foreign Regional Registration Office, Chennai, is directed to grant the necessary permission to the petitioner. The respondent herein is also directed to return the petitioner's passport. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Mandapam Marine Police Station,
Ramanathapuram District.
2. The Inspector of Police,
Dhanuskodi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.VIVEKANANTHAN, Advocate (SR-4703[F] dated 08/02/2022)

Crl.O.P(MD)No.1613 of 2022

04.02.2022