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Crl.O.P.No.8556 of 2023

Crl.O.P.No.8556 of 2023
and
Crl.M.P.No.8763 of 2023
RMT.TEEKAA RAMAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498-A r/w 34 of I.P.C in Crime No.3 of 202, based on the complaint lodged by the de-facto complainant one Mrs.Elavazhagi.

2. The case of the prosecution is that the de-facto complainant is the wife of the petitioner-accused. The marriage between the de-facto complainant and the petitioner was solemnized on 11.04.2016 and they are blessed with two children. The de-facto complainant/wife of the petitioner lodged a complaint levelling allegations of the demand of dowry harassment.

3. The learned counsel for the petitioner submitted that due to some matrimonial and misunderstanding between the petitioner and the de-facto complainant, a false complaint was lodged.



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4. The accused 2 & 3 were granted anticipatory bail by the learned Principal District Judge, Puducherry.

5. The case of the prosecution is that after marriage, the petitioner went to Singapore for employment and had developed relationship with another girl and without disclosing the earlier marriage, and the de-facto complainant(wife) gave birth to a child and on 25.09.2019 and she received an E-mail attached with clear photo, wherein her husband was seen with another girl and on enquiry, she come to know that her husband had living relationship with another girl by name Mahalakshmi and he has advised the husband to come and live with him. On 28.09.2019, she received anonymous call informing her that A1 is having a affair with one Mahalakshmi. On 29.09.2019, he received an E-mail showing the photographs of her husband with a girl and she contacted her over phone and her husband gave a false excuses. On 01.01.2022, the first accused came from Singapore during the delivery and on 05.11.2022, she was blessed with baby girl. Thereafter,



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they started demanding several Lakhs of Rupees and demanded for joining their husband in Singapore.

6. A1 was summoned on 18.12.2022 before the respondent / police, he accepted his relationship with the above said Mahalakshmi and the said Mahalakshmi is also pregnant and A1 gave undertaking on 18.12.2022 and the first respondent shall appear before them on next hearing.

7. It appears that the petitioner has moved this application for anticipatory bail before this Court. On 22.06.2023, this Court has passed the following the order:-

.....

3. Considering the submissions made by both counsel, list the matter before the Mediation and Conciliation Centre attached to this Court on 26.06.2023 and both the parties are directed to appear before Mediation and Conciliation Centre on 26.06.2023 at 11.00a.m without fail.

4. The Mediation process shall be completed within a period of two weeks.



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5. List this matter before this Court on 07.07.2023. Till the hearing is over, the petitioner shall not leave India.[emphasis supplied]

8. Today, when the matter is taken up for hearing, the accused appeared in the Video Conferencing and watching the proceedings of this Court in silent mode. The identification of the person appeared in the T.V screen was identified by the learned counsel for the petitioner, but since he was in silent mode, this Court could not interact with him.

9. The learned Public Prosecutor (Puducherry) stated that as per the said order, the petitioner shall not leave the India till the hearing is over. The order was passed on 22.06.2023 and it was directed to be listed on 07.07.2023, but the petitioner manage to escape to Singapore.

10. The learned counsel for the intervenor (wife) stated that she has already filed W.P. alleging that with fake documents, he went to Singapore and a Writ Petition is also pending before this Court.



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11. (a) As pointed out by the learned Public Prosecutor (Puducherry), there is a Judicial order, whereby the matter was directed to be listed for mediation and conciliation and the husband (A1) was directed to appear before the Mediation and Conciliation Centre of this Court on 26.09.2023 at about 11.00a.m without fail and it shall be completed within a period of two weeks and interim protection was granted to him and there is a specific condition that till the hearing is over, the petitioner shall not leave the India and inspite of the judicial order and after obtaining the interim protection from not to arrest, he left the India by some means. Hence, I find that a prima facie case has been made out that the petitioner-A1 appears to have committed a Criminal Contempt as defined under Section 2(c)(ii) and (iii) of the Contempt of Courts Act.

(b) The first accused-husband is the Non-Resident Indian [NRI] he married the de-facto complainant and made her pregnant under the guise of employment he left to Singapore. There he made developed



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relationship with another girl and it appears the said Mahalakshmi is also now pregnant. There was a family enquiry about the attitude of the first accused who is an N.R.I and as nothing is fruitful has come forward resulted in the complaint. In the complaint enquiry, he accepted the relationship with the said Mahalakshmi in Singapore before the respondent-police and undertake to appear for the next hearing and filed the anticipatory application. In the said anticipatory application, interim protection has been given and the petitioner shall not leave the India till the hearing is over. However, he manage to escape to Singapore. This Court is noticing such a negative attitude of N.R.I's husband remains unabated. Be that as it may. In spite of the specific order, he has violated the order thereby as observed prima facie appears to be committed criminal contempt.

12. When this was put to the learned counsel for the petitioner, he sought the leave of this Court to withdraw the case. Leave has also been granted.



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13. However, as I find that the order passed by this Court is violated by the petitioner, in spite of specific judicial order that he shall not leave India until the hearings is over, he managed to get back to the Singapore thereby A1 has interfered with due course of judicial proceedings and also obstructed administration of justice and hence, I find that prima facie case criminal contempt is made out. Accordingly, the Registry is directed to put up this matter before my Brother Hon'ble Mr.Justice A.D.JAGADISH CHANDIRA who has passed an order on 22.06.2023 for taking necessary action in accordance with law.

14. With these observations, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected Crl.M.P is closed.

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