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Crl.R.C.No.1517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1517 of 2023

V.Balagurisamy

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai – 600 040.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed by the XIII Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.24284 of 2023 in C.C.No.3792 of 2012 dated 21.06.2023 and permit the petitioner to travel abroad.

For Petitioner : Mr.Shivakumar
for Mr.K.M.Vijayan Associates

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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The petitioner/A2 in C.C.No.3792 of 2012 filed a petition seeking permission to visit United Kingdom to meet his son who is residing at No.8, Bently Manor, Hareden Road, Ribbleton, Preston-PR2 6LG, United Kingdom. The petitioner obtained anticipatory bail during investigation and after filing of the charge sheet, he appeared before the Trial Court on all hearing dates either by himself or through his counsel. The petitioner is arrayed as accused in Crime No.11 of 2011 for the offences under Sections 498A, 406, 420, 323 r/w. 34 IPC. The petitioner's son Saravanan Balagurusamy is employed in United Kingdom, who got married to Dr.Pinky Vedavanam on 07.09.2003. They had a female child and later they developed difference of opinion and got separated. Thereafter, the above case came to be registered. Now the investigation is completed and charge sheet has been filed. The petitioner filed a discharge petition before the Trial Court. In the meanwhile, he filed a quash petition in Crl.O.P.No.25797 of 2014. This Court initially admitted and granted stay in the quash petition and thereafter dismissed the same by order dated 26.05.2022. Aggrieved against the same, the petitioner's son preferred an



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appeal before the Apex Court in S.L.P.(Criminal) Diary No.10454 of 2023.

The Apex Court, by order dated 15.09.2023, admitted the appeal, issued notice and granted stay of further proceedings in C.C.No.3792 of 2012.

2.The learned counsel for the petitioner submits that earlier the petitioner on several occasions had approached this Court seeking similar relief of leaving India to meet his son in United Kingdom and this Court, in Crl.O.P.No.14275 of 2015, Crl.O.P.No.26299 of 2016, Crl.O.P.No.8544 of 2018 and Crl.O.P.No.28882 of 2019, granted relief for the petitioner to visit his son in United Kingdom.

3.The learned Additional Public Prosecutor filed a counter reiterating the registration of the case and filing of the charge sheet. He would submit that apart from the petitioner, A3 and A4 filed quash petitions before this Court in Crl.O.P.No.21245 of 2013 and Crl.O.P.No.75 of 2013. Both the petitions were allowed by this Court on 04.09.2014 and now the case is pending against A1/Saravanan Balagurusamy and A2/petitioner herein. He would further submit that the petitioner's quash petition filed in



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Crl.O.P.No.25797 of 2014 was dismissed by this Court on 26.05.2022. The petitioner's son preferred an appeal before the Apex Court wherein stay was granted. He further submitted that earlier the petitioner obtained permission from this Court to leave India to meet his son in United Kingdom. He would submit that the only requirement is that the petitioner must be available as and when the trial is in progress. He further submit that the petitioner has to furnish his travel itinerary, place of stay and contact details.

4.Considering the submissions made and on perusal of materials and that this Court had been consistently granting permission to the petitioner from the year 2015 and also the fact that the Apex Court had stayed all further proceedings in C.C.No.3792 of 2012, this Court is inclined to consider the case of the petitioner sympathetically.

5.In the result, the order passed by the learned XIII Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.24284 of 2023 in C.C.No.3792 of 2012 dated 21.06.2023 is set aside and the petitioner is granted permission to visit his son who is residing in United Kingdom on condition



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that the petitioner submits his travel itinerary, i.e., date of arrival, date of departure, place of stay and contact details by way of a memo before the Trial Court. Further, a copy of the same is to be submitted to the respondent police.

6. Accordingly, the criminal revision petition is allowed.

12.10.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
hvk

To

1. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai – 600 040.
2. The XIII Metropolitan Magistrate,
Egmore, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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