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Crl.M.P.No.15545 of 2023
in Crl.O.P.No.19782 of 2023

4. On 21.09.2023, this Court has passed the following orders:

“The parties are directed to appear before the Mediation Centre, High Court, Madras, on 04.10.2023 and the time for mediation for four weeks and the mediation shall be completed on or before 03.11.2023. thereafter, the matter shall be posted before this Court along with report on 15.11.2023. Till such time, the respondent police is directed not to take any coercive steps against the petitioner.”

It is also stated that; in the said interim order, the petitioner was directed not to leave the country without permission of this Court.

5. On the above circumstances, the present application is filed, stating that he has to go back to United States of America to report to his work station and he will return back to India on 06.11.2023 and he has nominated his father to attend the mediation.



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6. Heard Mr.R.John Sathyan, learned Senior Counsel for the petitioner/husband and the learned counsel for the defacto complainant/wife.

7. The defacto complainant/wife is physically present before this Court and I had interaction with the defacto complainant/wife.

8. The petitioner has filed an undertaking affidavit stating that he will return back to India on 06.11.2023 and the same is hereby recorded.

9. On perusal of the undertaking affidavit filed by the petitioner, it is stated at paragraph No.15 as follows:

“ I submit that, I am the only son. My father Mr.Ajit Kumar is in Chennai and he would attend the Mediation on my behalf. I undertake to be in India in the week starting 6th November, 2023, by taking special permission for a period of



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two weeks. The Mediation process, if not completed by then, could be completed when I come to India.”

Such undertaking given by the petitioner is hereby recorded.

10. Since the petitioner seeking permission of this Court to attend his office, failing which he may lose his job. The tickets, which were issued by the Qatar Airways and Air India have been filed to show that he is flying as per the schedule given in the affidavit that; he is leaving to USA on 28.09.2023 and return back to India on 06.11.2023 and returned to Chennai on 08.11.2023.

11. Considering the special circumstances stated by the petitioner/husband, I am inclined to permit the petitioner/husband to leave to USA and return back to India to attend the balance portion of the Mediation subject to the following conditions:

(i) the petitioner shall file an undertaking affidavit before the concerned Magistrate Court for his appearance on 15.11.2023.



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(ii) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties; one should be either parents of the petitioner and another surety must be a blood relative of the petitioner.

12. It is made clear that the interim protection of 'not to arrest' has been granted subject to the above conditions and the petitioner is also be on notice, in the event of any breach of undertaking given by the petitioner before this Court, he will be liable for prosecution under the Criminal Contempt of Courts India Act.

13. With these observations and conditions, this Criminal Miscellaneous petition is allowed.

26.09.2023

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Note: Registry may send the copy of this order to the Consulate General of the United States, Chennai, for information.

Note: Issue order copy on 26.09.2023.



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RMT.TEEKAA RAMAN, J.
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26.09.2023