



CRL MP(MD). No.13468 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 22/09/2023

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD). No.13468 of 2023

in

CRL OP(MD). No.12747 of 2018

Deepika Rani

... Petitioner/Intervener/Defacto Complainant

Vs

1 The State rep.by,  
The Inspector of Police,  
All Women Police Station,  
Madurai City.

...1<sup>st</sup> Respondent/Respondent/Complainant

2.C.R.Praveen Raj

...2<sup>nd</sup> Respondent/Petitioner/ Accused No.1

(\*)3.The Regional Passport Officer,  
First Floor, Corporation Commercial Complex,  
Opp. to Thandumariamman Koil,  
Avinashi Road, Coimbatore - 641 018.

... 3<sup>rd</sup> Respondent

(R3 is suo motu impleaded vide order 22.09.2023  
in CrI.M.P.(MD)No.13468 of 2023 in CrI.O.P.(MD)  
No.12747 of 2018 by GRSJ)



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For Petitioner : Mr.P.S.Nagarajan  
Advocate.

For Respondent : Mr.A.Albert James,  
Govt. Advocate (Crl.Side) for R1.

Mr.K.Govindarajan,  
Deputy Solicitor General for R3.

PRAYER :-

To cancel the anticipatory bail of the 2nd respondent / Accused No.1 granted in Crl.O.P.(MD)No.12747 of 2018 dated 31.07.2018 on the file of this Court in Crime No.1 of 2018 pending on the file of the 1st respondent police.

ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

2.The second respondent herein had filed Crl.O.P.(MD)No.12747 of 2018 and obtained anticipatory bail on 31.07.2018. To cancel the anticipatory bail, the present miscellaneous petition has been filed.

3.The learned counsel who represented the second respondent originally informs the Court that notice may be issued to the second respondent.



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4.The petitioner and the second respondent got married on 29.05.2015. The marital relationship between them suffered breakdown. The petitioner herein filed H.M.O.P.No.762 of 2017 under Section 9 of the Hindu Marriage Act, 1955. The H.M.O.P. was allowed on 01.02.2020 by the Family Court, Madurai. In the meanwhile, at the instance of the petitioner herein, Crime No.1 of 2018 was registered on the file of All Women Police Station, Madurai Town against the second respondent and others. Apprehending arrest, the second respondent filed Crl.O.P. (MD)No.12747 of 2018. The criminal original petition was disposed of in favour of the second respondent on 31.07.2018 by recording his undertaking that he would deposit a sum of Rs.18,000/- per month towards maintenance. The learned counsel for the petitioner states that this undertaking is not being honoured for the past 11 months. It appears that the second respondent is presently abroad. The learned Government Advocate (Crl. Side) states that charge sheet was filed on 11.06.2018 and taken on file on 11.07.2019 in C.C.No.38 of 2019 on the file of the Additional Mahila Court, Madurai. He further states that NBW was issued on 06.04.2022. The case is posted on 27.10.2023. It is seen that for more than 1 ½ years warrant could not be executed. The second respondent is an Indian citizen. Therefore, the first respondent is directed to write letter to the Regional Passport Officer, Coimbatore seeking current whereabouts of the second respondent. Since NBW is pending against the second



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respondent, the Regional Passport Officer, Coimbatore is directed to impound the second respondent's passport after issuing notice. If the second respondent informs the Regional Passport Officer, Coimbatore that he would have the NBW recalled, the impounding proceedings can be kept in abeyance for period of six weeks. If the second respondent remains unresponsive, the passport shall be impounded. The intimation regarding impounding of passport will be informed to the British Embassy also. The learned Additional Mahila Judge, Madurai is also directed to intimate the remaining accused that if necessary, the case will be split up and concluded as against them as expeditiously as possible. The endeavour of the authorities must be to ensure that the undertaking given before this Court will have to be honoured in letter and spirit and to ensure that the criminal prosecution initiated against the second respondent is not dragged on by his absence from India.

5.This miscellaneous petition is disposed of accordingly.

sd/-  
22/09/2023

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/10/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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<https://www.mhc.tn.gov.in/judis>



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1. The Additional Mahila Judge, Madurai
2. The Inspector of Police,  
All Women Police Station,  
Madurai City.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to:-

The Regional Passport Officer,  
First Floor, Corporation Commercial Complex,  
Opp. to Thandumariamman Koil,  
Avinashi Road, Coimbatore - 641 018.

+1 CC to M/s.R.BALA MURUGANANTHAM, Advocate ( SR-14041[I] dated 22/09/2023 )

ORDER  
IN  
CRL MP(MD) No.13468 of 2023  
IN  
CRL OP(MD) No.12747 of 2018  
Date :22/09/2023

RK (04/10/2023) 5P / 6C

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