



Crl.O.P.(MD)No.2848 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2848 of 2024

Selva Pandiyan

... Petitioner

Vs.

The Inspector of Police,
All Woman Police Station,
Theni District.
(In Crime No.1 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order dated 09.02.2024 passed by the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni in Crl.M.P.(MD)No.1076 of 2024 and consequently permit the Petitioner to go to United Kingdom for his job.

For Petitioner : M/S. Subash Law Office

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)



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ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking to set aside the order dated 09.02.2024 passed by the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni in Crl.M.P.(MD)No.1076 of 2024 and consequently permit the Petitioner to go United Kingdom for his job.

2.The learned Counsel for the Petitioner further submitted that the Petitioner got employment in United Kingdom. Also, he submitted that the Petitioner could not leave India due to the objection by the Police that the case is pending against him. It is his further contention that the case in C.C.No.112 of 2021 arose due to the complaint given by the Petitioner's wife and she is employed in Dubai. The de-facto Complainant is not interested in prosecuting the case. Earlier, the case was referred to mediation and there also both the parties had not arrived at a settlement.

3.When the Petitioner filed a petition in Crl.M.P.(MD)No.1076 of 2024, seeking permission of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, to move out from India. After due

<https://www.mhc.tn.gov.in/enquiry>, the learned Judicial Magistrate, Additional Mahila Court



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(Magisterial Level), Theni, vide order, dated 09.02.2024 had dismissed the petition. Therefore, the Petitioner is seeking to set aside the order and seeking a direction against the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, to pass orders with conditions.

4.The learned Government Advocate (Criminal side) on instructions from the Respondent Police submitted that the order of learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, itself is a well reasoned order. As the Petitioner had not attended the Court when he was expecting to join the job, it is his duty to co-operate with the Court. Instead the Petitioner did not do so. The letter inviting the Petitioner to join the duty at United Kingdom was on 07.12.2022, whereas, the mediation was pending before the mediation centre attached to the trial Court and he had ample time to settle the issue amicably. The learned Government Advocate (Criminal side) also invited the attention of this Court in paragraph No.4 of the order, wherein, learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, had observed that the Petitioner had not appeared before the Court from 18.10.2022 to 19.05.2023. Also, the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, in paragraph No.5 of the order stated that the particulars are not provided regarding when the VISA was issued, whether any communication



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received from the Indian Embassy officials.

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5.In the light of the observation made by the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, the order passed by the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, is found to be a well reasoned order. While the Petitioner is to be given a chance with conditions that if he provides details of the passport to the Respondent Police, the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, may consider. The learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, may impose any condition and the Petitioner shall co-operate with the pending case in the trial Court, failing which warrant to be issued giving out the details of the passport to the Superintendent of Police and through the Superintendent of Police to the Director General of Police. Hence, the present order is set aside granting further chance to the Petitioner. The learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Theni, shall seek fresh details from the Respondent and after hearing, enquiry afresh and pass appropriate orders.



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6. With the above said direction, this Criminal Original Petition is disposed of.

08.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

1. The Inspector of Police,
All Woman Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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