



CRL MP(MD) No.12453 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
CRL MP(MD) No.12453 of 2024
in
CRL OP(MD) No.20139 of 2024

1 KAMILA BANU
2 AHMED IBRAHIM

... PETITIONERS/PETITIONERS
/ACCUSED NO.3 & 4

Vs

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.47/2021.

... 1ST RESPONDENT/1ST RESPONDENT
/COMPLAINANT

2 SYED MUHAMMED SULAIMAN ... 2ND RESPONDENT/2ND RESPONDENT
/DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant in Interim Stay on all further proceedings in CC No.285/2024 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District until disposal of the main Quash Petition.

Prayer in CRL OP(MD). 20139/ 2024 :

To call for records pertaining to the case in CC No.285/2024 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District and Quash the same as illegal as against petitioners alone.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.SEENI SULTHAN, Advocate for the petitioners and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-

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



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Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the first respondent.

2.The petitioners, A3 and A4, had adopted the daughter of A2. The case against them involves the birth of a third girl baby to A2 and his wife, Hasan Fatima Rizwana, on 27.03.2017. On 10.04.2024, the said Hasan Fatima Rizwana, distressed upon learning her third child was a girl, died by suicide through hanging. Her husband (A2) was unsure of what to do. A1, the father of Hasan Fatima Rizwana, was also financially struggling. Later, to ensure proper parental care for the newborn, they decided to give the baby for adoption to A3 and A4, a couple who had been married for 25 years without having any children. A3 and A4, residing abroad, were eager to take the child with them. For the purpose of obtaining a passport and completing other legal formalities, a birth certificate was required. To meet this need, A1, through A5, arranged to suppress the original birth certificate issued by the Nagercoil Municipality and with the help of A5, A1 obtained a new birth certificate from Thiruvananthapuram, falsely stating that the baby was born at S.A.T. Hospital in Thiruvananthapuram. The de-facto complainant in this case is none other than A1's tenant, who was involved in a tenancy dispute and played a role in exposing the entire situation. The tenant lodged a complaint, but it was initially not entertained. He then approached the Judicial Magistrate Court under Section 156(3) Cr.P.C., and



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thereafter, the complaint was forwarded to the respondent Police, resulting in the registration of an F.I.R. The petitioners are now facing criminal charges, while they continue to raise the child, who is now 9 years old.

3.The learned Additional Public Prosecutor confirms that the case was registered following the directions of the learned Judicial Magistrate No.I, Nagercoil. He also confirms that the victim, the baby, is currently with A3 and A4. A3 and A4 had acted based on the representation made by A1, who is no longer alive.

4.Considering the facts and circumstance of the case, this Court is inclined to grant an order of interim stay on all further proceedings in C.C.No.285 of 2024, pending before the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District. Accordingly, an interim stay is hereby granted, suspending all further proceedings in the case.

5.Notice to the second respondent / de-facto complainant returnable by 13.12.2024. Private notice is also permitted.

sd/-
20/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.12453 of 2024

in

CRL OP(MD) No.20139 of 2024

Date :20/11/2024

RS/VR/SAR-(27.11.2024) 4P 5C

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