



Crl. O.P. No. 10605 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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M.H. Ershad Ahmed

... Petitioner

Vs.

1.The State Rep., by
The Inspector of Police,
Central Crime Branch,
Tambaram Commissionerate,
Chennai.
(Crime No. 54 of 2022)

2.The Senior Immigration Office,
Anna International Airport,
Meenambakkam,
Chennai.

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the order dated 17.03.2025 passed in Crl.M.P.No. 1680 of 2025 on the file of the learned Judicial Magistrate No.I, Alandur and permit the petitioner to travel Malaysia with his Passport No. A54751292.

For Petitioner : Mr. V.S. Senthilkumar
For Respondents : Mr. R. Vinothraja for R1
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed challenging the order dated 17.03.2025 passed in Crl. M.P. No. 1680 of 2025 on the file of the learned Judicial Magistrate No.I, Alandur, thereby dismissed the application filed by the petitioner seeking permission to visit abroad.

2. The petitioner is an accused in Crime No. 54 of 2022 on the file of the first respondent registered for the offences punishable under Sections 406 & 420 of IPC, alleging that the petitioner had cheated the defacto complainant to the tune of Rs.5 crores. The petitioner was secured after issuance of look out circular, as he is residing in abroad.

3. Now the investigation is pending and the petitioner has also repaid the amount of Rs.4 crores. The petitioner has also entered into memorandum of compromise with the defacto complainant and undertake to repay the balance amount on or before 15.05.2025 by three installments. The petitioner is a resident of Malaysia and doing business transaction in India. Therefore, the petitioner while pending investigation submitted application before the trial Court and seeking permission to visit abroad, the same was dismissed.



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4. Learned counsel for the petitioner would submit that, as per the memorandum of compromise, the petitioner will settle the entire balance amount on or before 15.05.2025.

5. Considering the above facts and circumstances of the case, this Court is inclined to permit the petitioner to visit abroad and shall have to return back to India before 10.05.2025.

6. The petitioner is directed to file undertaking affidavit before the first respondent with particulars such as, date of visiting abroad, the country's name, staying address in abroad and the date of return from abroad to India. On filing undertaking affidavit before the first respondent, the petitioner is permitted to visit abroad.

7. In view of the above, the order dated 17.03.2025 passed in Crl. M.P. No. 1680 of 2025 on the file of the learned Judicial Magistrate No.I, Alandur is set aside.



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WEB COPY 8. Accordingly, this Criminal Original Petition is allowed.

07.04.2025

Index : Yes / No
AT

Note: Issue order copy on 08.04.2025

To

1. The Judicial Magistrate No.I, Alandur.

2. The Inspector of Police,
Central Crime Branch,
Tambaram Commissionerate,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

AT

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