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Crl.M.P.No.12927 of 2025 in
Crl.O.P.No.24645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.12927 of 2025

in

Crl.O.P.No.24645 of 2025

Fathima Al Shahidah

... Petitioner

Vs.

1.M.N.Mohamed Hassan

2.State Represented by,

The Inspector of Police,

W-7, All Women Police Station,

Anna Nagar, Chennai.

(Cr.No.32 of 2024)

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to permit the petitioner herein to intervene in the petition in Crl.M.P.No.9538 of 2025 in Crl.O.P.No.24645 of 2024.

For Petitioner : Mr. M.Mohammed Rafi

For Respondent : Mr. C.Baskaran
Government Advocate (Crl.side)

ORDER

This petition has been filed by the de-facto complainant (wife of the petitioner, now estranged), seeking to intervene in the above petition.



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2. The petitioner contends that he and the de-facto complainant were husband and wife. They are presently estranged and have separated. The petitioner had gone to Dubai for employment purposes and has been participating in mediation proceedings through video conferencing in Crl.O.P. No.225 of 2024 before the III Additional Family Court, Chennai, a case filed by him for restitution of conjugal rights.

3. Thereafter, he returned to India and secured employment in Delhi, where he is currently on probation. Due to this employment in Delhi (and earlier abroad), and the ongoing mediation efforts between the petitioner and the de-facto complainant, he was unable to comply with the conditions imposed in the anticipatory bail order.

4. In support of his contention, the petitioner has produced the offer and joining letter from Qatar Airways, dated 29.07.2024. As per the said letter, he joined Qatar Airways Group on 12.08.2024. The initial probation period was six months, later extended by an additional three months. The petitioner ultimately joined Qatar Airways on 12.08.2024, and the anticipatory bail was granted on 04.10.2024. Due to oversight, the



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petitioner did not inform this Court about his employment-related impediments that prevented timely compliance with the conditions.

5. However, his parents, who are arrayed as A2 and A3 in this case, have already executed the sureties and complied with the other conditions. The petitioner has now come down to Chennai and is ready to execute the sureties and comply with the remaining conditions.

6. The learned counsel for the de-facto complainant strongly opposed the petition, arguing that the petitioner knowingly avoided complying with the conditions and took advantage of the anticipatory bail order, now seeking leniency citing employment. It was contended that the situation is of his own making, and therefore, the bail should be cancelled.

7. The counsel further submitted that, even during mediation before the Family Court, the petitioner has been giving one excuse after another, thereby delaying the proceedings. The de-facto complainant is still willing to join the petitioner and resume matrimonial life.



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8. In view of the above, **this petition is allowed**. Two weeks' time is granted to the petitioner to execute the bond. Thereafter, the petitioner shall appear before the respondent police. Meanwhile, the matter is referred to the Mediation Centre to make one more attempt to resolve the dispute. During the mediation period, the petitioner is exempted from appearing before the respondent police.

04.08.2025

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To

1. The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai.
2. The Public Prosecutor,
High Court, Chennai.

M.NIRMAL KUMAR, J.



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