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Crl.O.P.No.13171 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2026

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13171 of 2026

Ashok Kumar

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
E-2 Royapettah Police Station,  
Chennai.  
(Crime No.01 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to set aside the order passed in  
Crl.M.P.No.10564 of 2025 in C.C.No.1192 of 2024 dated 26.02.2026 on the  
file of XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.R.Rajasekaran  
Government Advocate (Crl. Side)



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## ORDER

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The petitioner/accused facing trial in C.C.No.1192 of 2024 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai for the offence under Sections 467, 468, 471 and 472 IPC filed the present petition to set aside the order passed in Crl.M.P.No.10564 of 2025 dated 26.02.2026.

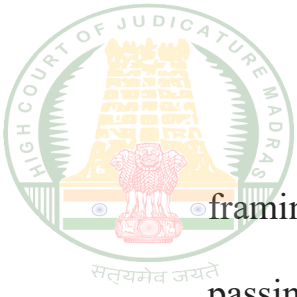
2.The case against the petitioner is that on 01.01.2017, the defacto complainant lodged a complaint stating that she married the petitioner Ashok Kumar of Malaysia in the year 1998, after the marriage she joined her husband in the year 1999 and they were living in Malaysia. Out of the marriage, they were blessed with boy baby on 10.02.2000. In the year 2002, in Malaysia, her husband Ashok Kumar was found involved in counterfeiting US dollars and Goondas visiting their house and threat received through phone and in person. Unable to withstand the threat in a foreign country, along with her two year old son she came back to India in the year 2002. In the year 2006, the defacto complainant filed a divorce petition in FCOP.No.2923/2006. The petitioner Ashok Kumar not appeared and divorce granted on 22.02.2007. The complainant and her son were



residing in Chennai for 10 years, later on 24.09.2016 her divorced husband

Ashok Kumar projected that he is the Advisor to the Prime Minister of Malaysia, he has got wide contacts with person in power and he threatened the complainant and also produced a forged letter in G.W.O.P.No.3530 of 2016. The Malaysian Embassy Officials verified the genuineness of the letter and found the letter a forged one which was informed to the complainant on 27.12.2016. Hence, complaint lodged and a case in Crime No.1 of 2017 for the offence under Sections 467, 468, 471 and 472 IPC. On completion of investigation, charge sheet filed listing seven witnesses and documents.

3.The learned counsel for the petitioner submitted that the petitioner earlier filed Crl.O.P.No.18964 of 2024 seeking to quash C.C.No.1192 of 2024. This Court by order dated 22.04.2025 directed the petitioner to prove the allegation in the manner known to law before the Trial Court and granted liberty to the petitioner to raise all the grounds before the Trial Court and personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate petition. However, the petitioner to be present before the Court at the time of receiving copies,



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framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The petitioner cannot travel to India since the petitioner's divorced wife to cause harassment given a complaint before ministry of Home Affairs Foreigner Division to ban the travel of the petitioner by blacklisting him to stop his visit to India. The High Commissioner of India, Kuala Lumpur imposed ban on the petitioner to travel to India. The petitioner also filed W.P.No.32869 of 2019 before this Court seeking for a direction directing the Joint Secretary, Ministry of Home Affairs to remove the restriction imposed on the petitioner for travel and this Court by order dated 19.02.2020 directed the petitioner to send communication to the High Commissioner of Malaysia or to give representation along with necessary documents to Ministry of External Affairs, Government of India. Since there was no specific order with regard to appearance of the petitioner through video conferencing in the order passed in Crl.O.P.No.18964 of 2024, the matter was posted for further clarification as there is travel restriction to the petitioner to travel to India. This Court on 22.04.2025 dispensed with the appearance before the Trial Court excluding certain occasions and on 02.07.2025, this Court clarified and liberty given to the petitioner to file necessary petition before the Trial Court to condone his absence. Based on



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the order passed by this Court on 22.04.2025, the petitioner filed

Crl.M.P.No.7503 of 2025 to dispense with the personal appearance of the petitioner which was allowed by the Trial Court on 09.07.2025. Thereafter, the petitioner filed Crl.M.P.No.10564 of 2025 to permit the petitioner to appear through video conferencing and the same was rejected by the Trial Court on 26.02.2026. He would submit that when the Trial Court is very much aware that the petitioner could not travel due to the ban and travel restrictions and the petitioner produced all documentary evidence, despite the same, the Trial Court dismissed the petition and passed the impugned order. Hence, filed the above petition.

4.The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that the petitioner as accused is facing trial in C.C.No.1192 of 2024. The petitioner threatened the defacto complainant and produced a forged letter claiming himself to be an Advisor to the Prime Minister of Malaysia. This was verified and confirmed to be forged and thereafter, case registered. The petitioner was constantly threatening the defacto complainant and her son, hence after registration of case, restriction was placed on his movement. The petitioner arrived at



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Tiruchirapalli from Kuala Lumpur on 27.03.2019 and he was not permitted

to clear the immigration area. The petitioner filed Writ of Mandamus in

W.P.No.32869 of 2019 seeking direction to direct the Ministry of Home

Affairs to consider the petitioner's representation dated 04.04.2019. This

Court by order dated 19.02.2020 found that the petitioner marital discord

with his wife Mrs.Srividhya has flared to such an extent that she had sent an

email complaining about harassment by him and thereafter sought an order

of restraint to prevent him from entering this Country. This Court gave the

petitioner an option either to send representation to the High Commissioner

in Malaysia and get explanatory remarks or to give representation along with

necessary documents to the Ministry of External Affairs, New Delhi. The

petitioner gave representation and thereafter left it at that stage. Thereafter

taking this as an advantage and filed CrI.O.P.No.18964 of 2024 and this

Court found the same and dismissed the quash petition on 22.04.2025.

Again it was listed by way of mentioning by the petitioner on 02.07.2025

seeking dispensation of his appearance before the Trial Court excluding

certain occasions viz., at the time of receiving copies, framing charges and at

the time of passing judgment. Finding that there is restriction for his entry to

India, the petitioner was permitted to file necessary petition before the Tiral



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Court to condone his absence. Thereafter, the petitioner filed

Crl.M.P.No.10564 of 2025 with a plea that he may be permitted to appear through video conferencing for questioning and other hearings as directed by the Hon'ble High Court by order dated 02.07.2025. The Trial Court finding that there is no such order passed, dismissed the same. He further submitted that the respondent police had written to the Reverent Consulate General of Malaysia on 08.06.2026 and was informed that Malaysian Consulate not issued any ban order entering India. He further submitted that the petitioner by his own creation invited the orders of restriction and using the same, now seeks to participate in the trial through video conferencing. The petitioner is an accused not a witness. Hence, prayed for dismissal.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner and the complainant in this case are husband and wife and they got separated. The petitioner is residing in Malaysia. His divorced wife and son are residing in Chennai. The petitioner was involved in counterfeiting of US dollars in Malaysia which is a separate case. As regards the submission of forged document in G.W.O.P.No.3530 of 2016 which was confirmed by Malaysian Embassy Officials, the present



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complaint filed by his divorced wife. The petitioner initially threatened the defacto complainant, hence she made a request to restrict the petitioner to travel to India for her safety. Now the defacto complainant as well as the learned Government Advocate (Crl. Side) submitted that restriction of the petitioner to travel to India is no more required. The petitioner as accused is facing trial. In view of the above, this Court issues direction to the Immigration Authorities to remove the restrictions imposed on the petitioner holding passport No.A33267011, a Malaysian National with OCI Card No.A1992779 to have free passage passage to enable him to participate in the trial. This Court in Crl.O.P.No.18964 of 2024 made it clear that the petitioner to appear before the Trial Court to receive copies, answer charges and to receive the judgment. Nowhere it had given any leverage for the petitioner to appear through video conferencing. Video conferencing is an entitlement given to the witness and not to the accused. In view of the above, the impugned order does not require any interference. The petitioner's travel restriction is lifted and the petitioner can very well participate in the trial. The petitioner holding passport No.A33267011 with OCI card No.A1992779 to have no restriction of travel, all travel restriction to India pursuant to the above case is hereby lifted.



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6.In the result, the Criminal Original Petition stands dismissed.

17.06.2026

Speaking order/Non-speaking order  
Index: Yes/No  
Neutral Citation: Yes/No  
*cse*

To

- 1.The Inspector of Police,  
E-2 Royapettah Police Station,  
Chennai.
- 2.The XVIII Metropolitan Magistrate Court,  
Saidapet, Chennai.
- 3.The Public Prosecutor,  
High Court, Madras.



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M.NIRMAL KUMAR, J.

*cse*

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