

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19950 of 2015

Shiva Raj

.. Petitioner/Accused

Vs

State rep. by  
Inspector of Police,  
W8 All Women Police Station,  
Thirumangalam, Chennai.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to immediately withdraw the look out circular issued to the immigration authorities, India, against the petitioner pending investigation in the above Crime No.36/2014 on the file of the respondent.

For Petitioner :Mr.V.V.Sairam

For Respondent :Mr.C.Emalias,  
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.On a complaint given by the petitioner's wife, the respondent registered a case in Crime No.36/2014 for offence under Sections 498A, 406, 420, 294(b) and 506 (ii) I.P.C., and this petitioner was arrested on 21.07.2015 and later, he was released on bail in Crl.M.P.No.1382/2015 on 24.07.2015 by the learned XIII Metropolitan Magistrate, Egmore, Chennai. In the mean time, it appears that the respondent police have issued a Look Out Circular to the Immigration Authorities for detaining this petitioner if, he intends to exit India.

3.Now, the petitioner has been released on bail and the offence for which, he has been prosecuted is one under Section 498(A) I.P.C. It is seen that the petitioner is working as a Head Cook in a Hotel in Canada. Under such circumstances, this Court is of the view, that it will serve the interest of justice if, a direction is given to the respondent to immediately take steps to recall the Look Out Circular that has been issued to the Chief Immigration Authorities,

Chennai through the Deputy Commissioner of Police, Annanagar, Chennai.

4.In the result, the Criminal Original Petition is allowed with a direction to the respondent to take steps to recall the Look Out Circular that has been issued to the Chief Immigration Authorities, Chennai, against the petitioner, through the Deputy Commissioner of Police, Annanagar, Chennai. Whenever, the petitioner intends to go Abroad, he shall inform the Investigating Officer about his itinerary and also the address of his stay at Abroad. The petitioner shall also file a memo before the learned XIII Metropolitan Magistrate, Egmore, Chennai giving the aforesaid details.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

jbm  
To

1.The XIII Metropolitan Magistrate,  
Egmore, Chennai.

2.-do-Thro The Chief Metropolitan Magistrate,  
Egmore, Chennai-8

3.The Deputy Commissioner of Police,  
Annanagar, Chennai.

4.Inspector of Police,  
W8 All Police Station,  
Thirumangalam, Chennai.

5.The Chief Immigration, Authorities  
Chennai.

6.The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.V.V.Sairam Advocate sr.41742

Cr1.O.P.No.19950 of 2015

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