

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.23858 of 2015

Kothandapani Sabarinath

.. Petitioner

Vs

The State Rep.,
Inspector of Police
W-32, All Women Police Station
Madipakkam, Chennai 91
W-32, AWPS Cr.No.7/2015

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to consider petitioner's representation dated 23.07.2015 and consequently to cancel yellow corner notice issued against the petitioner namely Kothandapani Sabarinath holding passport No.G 1506407 dated 18.01.2007.

For Petitioner : Mr.M.Shreedhar for
M/s.M.Sreedhar & Associates

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

ORDER

This petition has been filed seeking a writ of mandamus directing the respondent to consider petitioner's representation dated 23.07.2015 and consequently to cancel yellow corner notice issued against the petitioner, namely Kothandapani Sabarinath holding passport No.G 1506407 dated 18.01.2007.

2. It is seen that on a complaint lodged by one Ramesh, the respondent police registered a case in Cr.No.7 of 2015 on 10.07.2015 under Section 4 of the Dowry Prohibition Act, 1961 and Section 506(i) IPC against five persons, including the petitioner herein.

3. The gravamen of the allegations in the complaint is that, the marriage of the defacto complainant's daughter by name Saranya with this petitioner was slated to be held on 29.06.2015 and before

marriage when the groom's family demanded huge dowry, the marriage was called off. According to the petitioner, the bride was in love with someone else and on the day prior to the marriage, she ran away and only on account of that, the marriage was cancelled. Be that as it may, it is seen that this petitioner has been granted anticipatory bail in Crl.O.P.No.17642 of 2015 on 20.07.2015 on the following conditions:

"6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Alandur, within a period of 15 days from the date of receipt of a copy of this order, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Alandur, or to the satisfaction of the respondent police or the police officer who intends to arrest and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation."

4. The learned counsel for the petitioner submits that the petitioner is complying with the conditions and he also appeared before the respondent police for enquiry. Under such circumstances, this Court is of the view that it will be an abuse of process of law if the lookout notice that has been issued against this petitioner is kept alive.

5. In the result, this petition is allowed and the respondent is directed to immediately take steps to cancel the lookout notice issued against this petitioner to the Immigration authorities within one week. Whenever the petitioner goes abroad, he shall intimate the police his itinerary and also the place of stay. He shall also file a memo before the learned Judicial Magistrate, Alandur, giving details about his stay abroad.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS III)

/true copy/

WEB COPY

Sub Asst. Registrar

gms

To

1.The Inspector of Police
W-32, All Women Police Station
Madipakkam, Chennai 91

2.The Deputy Commissioner of Police
St.Thomas Mount,
Chennai.

3.The Chief Immigration Officer
Bureau of Immigration
Shastri Bhavan, Nungambakkam
Chennai.

copy to:

The Judicial Magistrate,
Alandur

+3 ccs to Mr.M.Shreedhar Advocate sr.41552

W.P.No.23858 of 2015

tej (co)
aa11/08/2015



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