



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.12812 of 2015

and

M.P(MD)No.1 of 2015

Jeyabalan ... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Thirumangalam Police Station,
Madurai District.

3.The Foreigner Regional Registration Officer,
Sastry Bhavan,
No.46, Hadows Road,
Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records pertaining to the Look Out Circular bearing C.No.177/C/SB-MDU/2015 dated 12.03.2015 issued by the first respondent herein and quash the same and pass such further or other orders.

For Petitioner : Mr.M.Vivekanandan

For Respondents : Mrs.S.Prabha

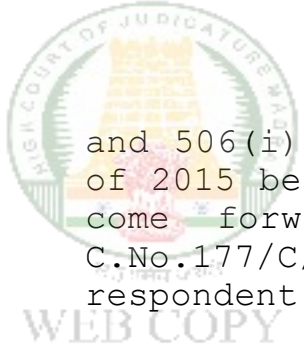
Govt. Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the Look Out Circular bearing C.No.177/C/SB-MDU/2015 dated 12.03.2015 issued by the first respondent herein and quash the same.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side).

3. The petitioner, who has been arrayed as an accused in Crime No.33 of 2013 for the alleged offences under Sections 498(A), 406



and 506(i) of the Indian Penal Code which is pending in C.C.No.46 of 2015 before the learned Judicial Magistrate, Thirumangalam, has come forward to challenge the Look Out Circular bearing C.No.177/C/SB-MDU/2015 dated 12.03.2015 issued by the first respondent.

4. The learned counsel appearing for the petitioner submitted that even before the respondent/Police, the petitioner has given a representation that he would co-operate with the trial and since he is residing abroad, he could not appear for every hearing. He has also submitted that appropriate petition will be filed before the trial Court in this regard. Reliance has been made on the Judgment passed by this Court in Crl.O.P(MD)No.27741 of 2013, dated 31.10.2013 (E.V.Perumal Samy Reddy and others Vs. The Deputy Commissioner of Police and another).

5. In the decision referred supra, after considering the relevant provisions, this Court has pleased to pass the following order in paragraph Nos.13 to 16 and the same reads as follows:-

"13. Petitioners are facing criminal prosecutions. They are granted bail/anticipatory bail. They are holders of valid Indian Passports. They have strong roots in the society. They are business people. They need to travel abroad often. So far there is no valid restriction on their movement by any Court order or Ministry or Home Affairs or External Affairs. They are not stated to be involved in any heinous crimes. They are not terrorists. Nor anti-social elements. There is no allegation that they have absconded. Thus, they cannot be brought under any one of the categories with respect to whom L.O.C orders are being issued.

14. In Crl.O.PNo.8864 of 2010 (A.ARUMUGARAJA Vs. DEPUTY COMMISSIONER OF POLICE, ADAYAR, CHENNAI AND ANOTHER), dated 21.04.2010 in Crl.O.PNo.21441 of 2010 (A.ARUMUGARAJA Vs. DEPUTY COMMISSIONER OF POLICE, ADAYAR, CHENNAI AND ANOTHER) dated 23.09.2010 and in Crl.O.P.No.30704 of 2012 (R.VISWANATHAN Vs. DEPUTY COMMISSIONER OF POLICE KILPAUK, CHENNAI), dated 04.01.2013 in certain matrimonial matters enabling persons to go abroad, this Court directed lifting of L.O.C orders.

15. In the facts and circumstances of this case and due to the subsequent developments, so far as the petitioners are concerned, L.O.C orders become irrelevant.

16. In view of the foregoing, the first respondent, namely, the Deputy Commissioner of Police, Ambattur Range, Chennai is directed to withdraw the



Look Out Circular order issued as against the petitioners."

6. Admittedly, the de-facto complainant is the wife of the petitioner. The alleged offences has arisen from the matrimonial dispute between the parties. The fact also remains that the petitioner is working in U.S.A and he has also made a statement stating that he will co-operate with the trial.

7. Therefore, considering the facts and circumstances of the case and also the decision referred supra, this Court is inclined to quash the Look Out Circular, dated 12.03.2015.

8. Accordingly, the Look Out Circular bearing C.No.177/C/SB-MDU/2015 dated 12.03.2015 issued by the first respondent is set aside, subject to the condition that the petitioner shall co-operate with the investigation at the time of conducting trial and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

SD

ASST REGISTRAR - CO

TRUE COPY

SUB ASST REGISTRAR

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To

1.The Judicial Magistrate, Tirumangalam

2.The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Thirumangalam Police Station,
Madurai District.

4.The Foreigner Regional Registration Officer,
Sastry Bhavan,
No.46, Hadows Road,
Chennai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

2cc to MR. MR. VIVEKANANDAN ADV SR:37050 37889