

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08..11..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.37657 of 2016

M.Maraiyarasu

... Petitioner

-Versus-

1.The Immigration Officer,
Office of Foreign Regional Registration
Office (FPRO),
Bureau of Immigration,
Shastri Bhavan Annex Building,
No.26, Haddows Road, Nungambakkam,
Chennai 600006.

2.The Deputy Commissioner of Police,
Ambattur Range,
Ambattur, Chennai.

3.The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai.

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 3 to dispose of the representation of the petitioner dated 06.10.2016 to furnish the status about recalling the lookout circular pending before the 1st respondent as per the order of the High Court in CrI.O.P.No.19190 of 2016 dated 30.08.2016 at the earliest.

For Petitioner

: Mr.S.Udhayasankar

For Respondents

: Mr.C.Emalias, APP for R2 &
R3

ORDER

On the complaint lodged by B.Sudha, the 3rd respondent police have registered a case in Crime No.08 of 2015 on 19.10.2015 for offences under Sections 498-A and 406 of IPC against the Maraiyarasu, the petitioner (A1) and 7 others. Admittedly, the petitioner is a Software Professional and is now working in Singapore. In the mean time, at the instance of the

3rd respondent, the 2nd respondent sent requisition to the 1st respondent for issuance of a lookout circular for detaining the petitioner whenever he enters or exits India. Now, the 3rd respondent police after completing investigation in the case have filed charge sheet in C.C.No.99 of 2016 before the learned Judicial Magistrate, Ambattur, against the petitioner and 7 others for offences under Sections 498-A and 406 of IPC.

3. While so, the petitioner filed a petition before this court in CrI.O.P.No.15641 of 2016 for anticipatory bail and this court by order dated 09.08.2016 has granted anticipatory bail on certain conditions one of which is that he should surrender within 15 days from the date of receipt of a copy of the order. Apprehending that if he returns India, he will be detained by the immigration authorities pursuant to the look out circular, he filed a petition in CrI.O.P.No.19190 of 2016 before this court for a direction to the respondent police to recall the lookout circular and this court on 30.08.2016 passed the following order:-

"7. The facts remains that investigation in Crime No.8 of 2015 has been completed and final report has been filed in C.C.No.99 of 2016. This court has also granted anticipatory bail to the petitioner and therefore, it is imperative that the petitioner has to surrender before the Trial Court in compliance with the anticipatory bail order passed.

8. Under such circumstances, this court is of the view that it will be in the interest of justice that the respondent is directed to immediately recall the look out circular issued.

9. In the result, this petition is allowed and the respondent is directed to take steps to recall the look out circular within one week from the date of receipt of a copy of this order."

4. Despite the above position, the petitioner to ensure himself that look out circular has been withdrawn, he made a representation to the Immigration Authority by Email so as to ascertain the present status of the lookout circular for which he has not received any reply.

5. The learned learned counsel for the petitioner submitted that the petitioner's brother Vivek who is also an accused in the case in C.C.No.99 of 2016 was detained by the Immigration Authorities when he entered India and was later on remanded to judicial custody in connection with the said case. Therefore, the petitioner has come forward with the present writ petition for the above stated relief.

6. Today, Mrs.M.Malarselvi, Sub Inspector of Police, W-28, Ambattur All Women Police Station is present. The learned Additional Public Prosecutor produced a Xerox copy of the communication dated 29.09.2016 from the 2nd respondent to the Chief Immigration Officer, Chennai which reads as follows:-

"As per the above reference cited LOC was issued to Maraiyarasu Male, A/31, (Accused A1) S/o.Manohar, residing in No.4/154, Vasantha Nagar, North Kattur, Thiruchirapalli on 24.11.2015. The above said Maraiyarasu got Anticipatory Bail and the HighCourt ordered on 30.08.2016 in CrI.O.P.No.19190 of 2016 to take steps to recall the look out circular.

This case was registered on 23.04.2016 by JM /Ambattur in C.C.No.99 of 2016 and posted on 22.11.2016 for Accused Summon. The above said Maraiyarasu got Anticipatory Bail. Hence, it is requested that the LOC issued on him may be cancelled."

7. In view of the above, this court directs the 1st respondent authority to immediately recall the look out circular issued against the petitioner - Maraiyarasu in connection with the case in C.C.No. 99 of 2016 on the file of the learned Judicial Magistrate, Ambattur, Tiruvallur District, if not already recalled.

8. With the above directions, the criminal original petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kmk

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Registration
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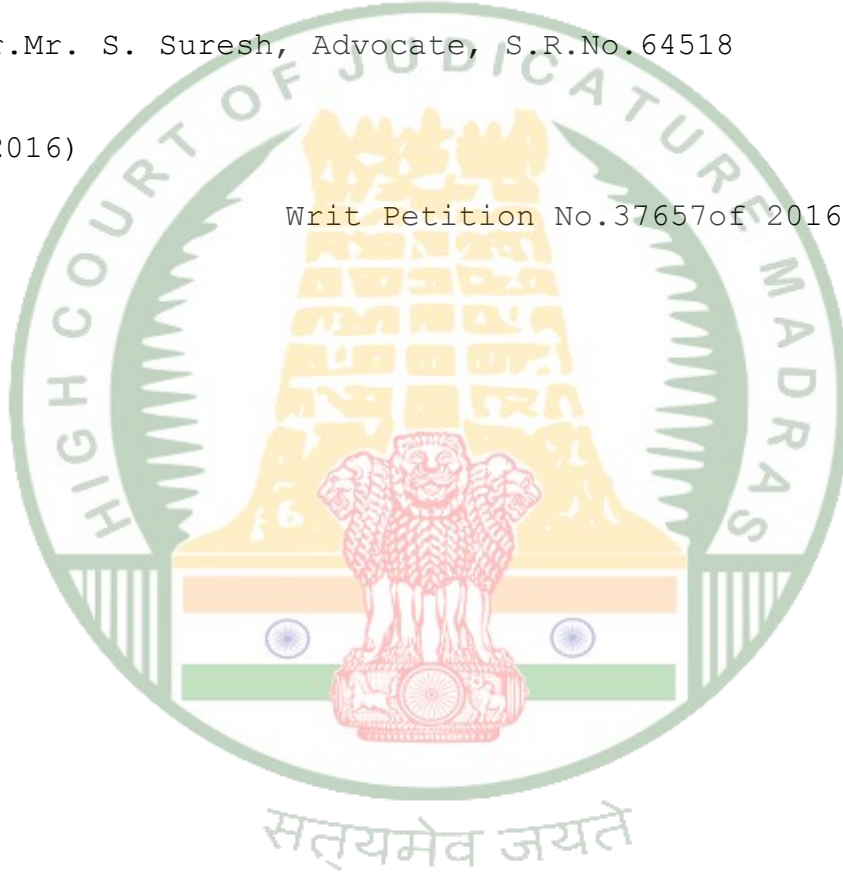
4 The Public Prosecutor, High Court, Madras

5 The Judicial Magistrate, Ambattur, Thiruvallur District

+lcc to Mr.Mr. S. Suresh, Advocate, S.R.No.64518

rj (CO)
md(30/11/2016)

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