

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.8563 of 2016

Mr.Srivatsan Pallavaram @ D.S.Srivatsan

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Anna Nagar
Chennai - 600 040.

2. The Inspector of Police
W8 All Women Police Station,
Thirumangalam
Chennai - 600 050.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent herein to withdraw the look out circular issued by the respondent police in Crime No.9 of 2011 against the petitioner and direct the respondent police to communicate the same to the Bureau of Immigration, Government of India.

For Petitioner : Mr.M.K.Kabir
Senior Counsel
for M/s.Anand Sashidharan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent herein to withdraw the look out circular issued by the respondent police in Crime No.9 of 2011 against the petitioner and direct the respondent police to communicate the same to the Bureau of Immigration, Government of India.

2.The learned Senior Counsel appearing for the petitioner would submit that on the basis of the complaint given by the petitioner's wife, a case in Crime No.9 of 2011 has been

registered. Now, the matter is likely to be settled and because of his non-appearance, his whereabouts was not known. He is at abroad. The first respondent has issued look out notice. As soon as he reached the Airport, he is about to be arrested immediately. He filed Crl.O.P.No.17702 of 2015 for anticipatory bail and it was also granted. The Family Court also passed maintenance order in I.A.No.1808 of 2012 against which the petitioner herein preferred C.M.A.No.602 of 2016.

3.The learned Senior Counsel appearing for the petitioner would further submit that because of the issuance of look out notice, the petitioner is unable to get his fresh passport from the Indian Embassy at Atlanta, Georgia, U.S.A. to proceed to India for his appearance before this Court, Family Court and X Metropolitan Magistrate and the learned counsel for the wife in C.M.A.No.602 of 2016 has stated no objection for permitting the appellant therein/ petitioner herein to come to India for participating in the proceedings filed under the Hindu Marriage Act for nullity of the marriage.

4.In pursuance of the said submissions, this Court has passed the following order in C.M.A.No.602 of 2016 on 29.03.2016, the relevant portion of which reads as follows:

"8.In view of the above, we are inclined to pass the following order:-

(a)The appellant/ husband is permitted to apply to the Indian Embassy at Atlanta, Georgia, U.S.A., for issuance of fresh Passport so as to enable him to come to India and attend the proceedings before this Court, Family Court as well as X Metropolitan Magistrate and resolve the dispute amicably, as has been suggested.

(b)The Indian Embassy at Atlanta, Georgia, U.S.A., shall consider and issue fresh Passport de hors the Look out notice, subject to compliance of usual requirements.

(c)On arrival in India, the Immigration Authorities are directed to permit the appellant to appear before this court, Family Court and X Metropolitan Magistrate, where the proceedings are pending.

(d)An affidavit of undertaking shall be filed by the appellant/ husband before the Indian Embassy, at Atlanta, Georgia, U.S.A. before issuance of fresh Passport and also before this court that he will undertake to appear before this court, Family Court and chief Metropolitan Magistrate, Egmore in respect of all pending proceedings.

9.A copy of this order to be communicated to the following authorities:-

- (i) The Chief Immigration Officer,
Ministry of External Affairs,
68, College Road, EVK Sampath Maligai,
7th Floor, Nungambakkam,
Chennai-600 006.
- (ii) The Immigration Officer,
International Airport, Meenambakkam,
Chennai.
- (iii) The Indian Embassy,
Ministry of External Affairs,
Patila House, Tilak Marg,
New Delhi-110 001.

The Indian Embassy, Ministry of External Affairs, shall communicate the order to the "Consulate General of India-Atlanta, 5549 Glenridge Drive NE, Atlanta GA-30342" by E.mail ID contact@indiaconsulateatlanta.org or any other mode for processing the application for issuance of fresh Passport forthwith to the appellant so as to enable him to visit India and appear before this court, Family Court and X Metropolitan Magistrate."

5. Since the look out notice has not been withdrawn, the Indian Embassy at Atlanta, Georgia, U.S.A. has refused to give fresh Passport to the petitioner to facilitate him to come to India.

6. At this juncture, the learned Additional Public Prosecutor would submit that in pursuance of the order of this Court made in C.M.A.No.602 of 2016 dated 29.03.2016, he has no objection for withdrawing the look out notice.

7. Recording the same, the first respondent is directed to withdraw the look out notice issued against this petitioner facilitating him to apply to the Indian Embassy at Atlanta, Georgia, U.S.A. for issuance of fresh Passport so as to enable him to come to India.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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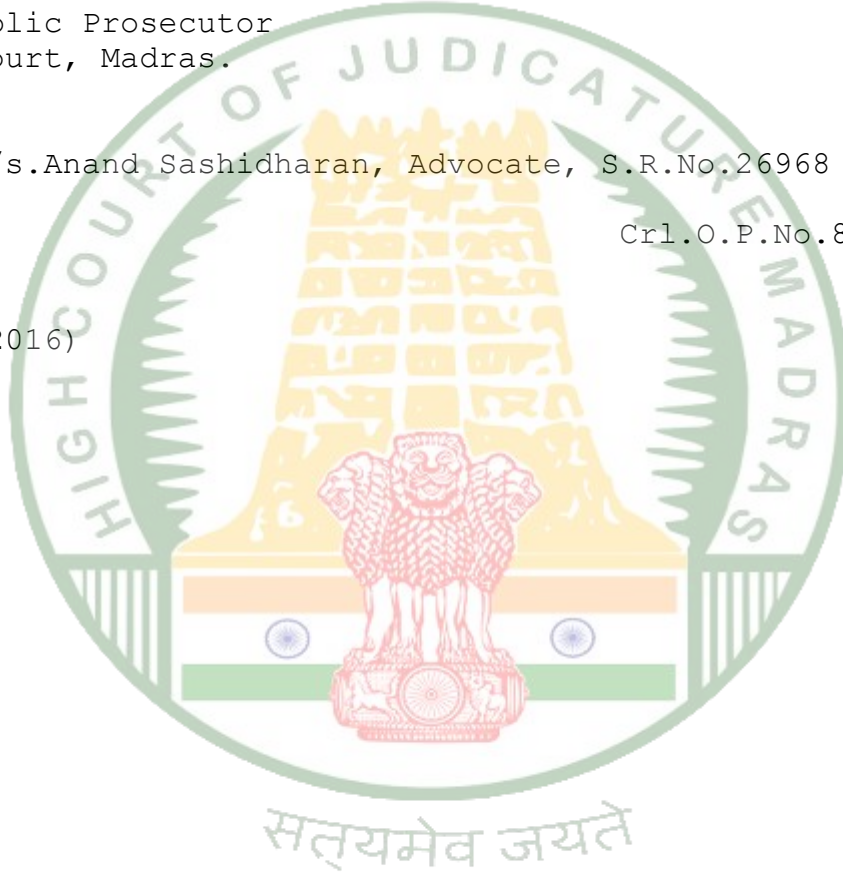
To

1. The Deputy Commissioner of Police,
Anna Nagar
Chennai - 600 040.
2. The Inspector of Police
W8 All Women Police Station,
Thirumangalam
Chennai - 600 050.
3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.Anand Sashidharan, Advocate, S.R.No.26968

Cr1.O.P.No.8563 of 2016

PUR(CO)
CA(30/05/2016)



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