



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.15267 of 2016

P.Vishnuvardhan

: Petitioner

-Vs-

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City,
Madurai.

: Respondents 1 and 2

3.G.Lalitha

: 3rd respondent

**[Impleaded as R3 as per the order of
this court, dated 01.12.2016]**

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to withdraw the Look Out Circular issued against the petitioner in L.O.C.No.2016410044 issued by the 1st respondent within the time stipulated by this court.

For Petitioner : Mr.Issac Mohanlal

Senior counsel for Mr.D.Sadiq Raja

For R1 and R2 : Mr.K.Anbarasan

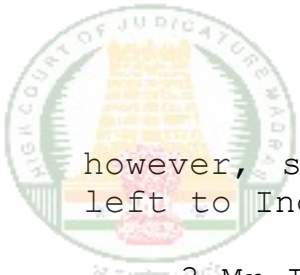
Government Advocate (Criminal side)

For 3rd Respondent : Mr.G.Ganesh Kumar

O R D E R

This petition is filed for direction to the 1st respondent to recall the Look Out Circular issued against the petitioner in L.O.C.No.2016410044.

2.According to the petitioner, the marriage between the petitioner and the 3rd respondent G.Lalitha was solemnized on 20.05.2011 and after marriage, they moved to Toronto in Canada and out of the wedlock, a child was born to them in the month of January 2014. It is alleged by the petitioner that the attitude of his wife was changed and her verbal abuse increased day by day and therefore, he has taken her to the Doctor on 11.11.2015,



however, she did not cooperate with the counselling process, but left to India on false.

3.Mr.Issac Mohanlal, learned Senior counsel would submit that in the above circumstances, the petitioner came to India and filed HMOP No.263 of 2016 before the Family Court, Madurai, for divorce and thereafter, his wife filed a false complaint against the petitioner, which was registered in Crime No.10 of 2016 for the offence under Sections 498(A), 294(b), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act; the petitioner was granted anticipatory bail by this court in Crl.O.P(MD)No.7239 of 2016, dated 27.04.2016. While so, the first respondent has issued a Look Out Circular against the petitioner.

4.The learned Senior counsel would also submit that the petitioner as well as his wife are software engineers and they were employed in Canada. The petitioner has already moved a quash the petitioner in Crl.O.P(MD)No.20389 of 2016 and this court has granted interim stay; that the petitioner has filed an affidavit of undertaking stating that he is ready to appear before the trial court, whenever his presence is necessary and he has also ready to pay Rs.2,00,000/- as interim maintenance by way of demand draft for the welfare of her daughter in the name of the 3rd respondent, on or before 08.12.2016.

5.Per contra, Mr.G.Ganesh Kumar, learned counsel appearing for the 3rd respondent would submit that when the 3rd respondent was in Canada, the petitioner had initiated proceedings against her and the cheques issued by the petitioner for maintenance of the daughter got dishonoured; if the petitioner goes back to Canada, he will not come for trial and in that event, the trial proceedings will be hampered. It is further submitted that the original certificates of the 3rd respondent is now with the petitioner in Canada and hence, she has not able to go for any employment.

6.In reply, learned Senior counsel has submitted that if the original certificates of the 3rd respondent are available with the petitioner in Canada, the petitioner will be advised to send the certificates to the 3rd respondent immediately and that as per Canadian law, the petitioner issued post-dated cheques, while initiating proceeding against the 3rd respondent, but since, she did not face the case and left Canada, the cheques need not be honoured.

7.Heard the learned Government Advocate (Criminal side) and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

8.Considering the submissions of the learned Senior counsel appearing for the petitioner and also considering the affidavit



filed by the petitioner, this court is inclined to allow this petition on the following terms:-

i)The first respondent is directed to withdraw the Look Out Circular bearing No.2016410044 issued against the petitioner;

ii)The petitioner is entitled to travel abroad and return. However, he has to furnish his full employment details and also the particulars with regard to his stay abroad to the respondents police;

iii)The petitioner has to co-operate with the investigation and on the matter being taken up for trial, the petitioner has to appear before the Court concerned whenever the Court feels that the presence of the petitioner is absolute for the hearing and he shall co-operate for early conclusion of the trial; and

(iv)It is made clear that in case any issue crops out in future, this order will not preclude the respondents police from taking appropriate action against the petitioner in accordance with law.

9. Accordingly, this petition is ordered.

Sd/
Assistant Registrar

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Sub Assistant Registrar

To

1.The Commissioner of Police, Madurai City, Madurai.

2.The Inspector of Police, All Women Police Station, Tallakulam, Madurai City, Madurai.

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

+1cc to M/s.D.Sadiq Raja, Advocate, in SR No.78189.

+1cc to M/s.G.Ganesh Kumar, Advocate, in SR No.78256.