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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.(MD) No.22739 of 2016

and

Cr1.M.P(MD)No.11907 of 2016

S.Rishidaran

: Petitioner

-Vs-

1.The Deputy Commissioner of Police,
(Law & Order),
Thiruchirappalli City, Trichy.

2.The State rep. By
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy.

3.The Ministry of Home Affairs
rep. By its Secretary,
Government of India, New Delhi.

4.P.Maheswari

: Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to withdraw the look out Circular No.2016419200 issued against the petitioner and registered with the 3rd respondent under LOC Suspect No.642905.

For Petitioner

: Mr.G.Prabhu Rajadurai

For R1 to R3

: Mr.K.Anbarasan
Government Advocate
(Criminal side)

O R D E R

This petition is filed for direction to the 1st respondent to recall the Look Out Circular bearing No.2016419200 issued against the petitioner and registered with the 3rd respondent under L.O.C Suspect No.642905.



2.Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner would submit that the 4th respondent is the wife of the petitioner and the marriage between them was solemnized on 13.11.2014; both are engineering graduates and after the marriage, he took his wife to USA and the relationship between them was cordial till they returned to India in the year 2015 and thereafter, the petitioner filed HMOP No.25 of 2016 before the Family Court, Madurai against the 4th respondent, for divorce on the ground of cruelty.

3.It is further submitted that after filing of the divorce petition, the 4th respondent has preferred a complaint alleging that petitioner demanded dowry and also treated her for cruelty, which was registered in FIR in Crime No.3 of 2016. The petitioner along with the other accused were arrested on 16.07.2016 and subsequently, he was granted bail. The 2nd respondent, after completing the investigation, has also filed a final report, which was taken on file as C.C.No.91 of 2016.

4.The learned counsel would further submit that when the petitioner was regularly appearing before the trial court, the first respondent has issued a Lookout Circular; that the petitioner is working as an Engineer in USA and he has been extending the leave upto January 2017 and the employer of the petitioner has also issued communication for joining the duty. It is further submitted that there is no necessity for the first respondent to issue a Look Out Circular. The learned counsel would further submit that the petitioner is ready to appear before the trial court, when the trial commences and he will cooperate with the completion of the trial.

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

6.It is seen that in para 5 of the affidavit filed by the petitioner, dated 01.12.2015, it has been stated as follows:-

"5.I submit that I would also undertake that I would extent my full cooperation for the trial and will also appeared before the Additional Mahila Court, Thiruchirappalli, whenever my presence is required for the hearing and further undertakes that I will cooperate for early conclusion of the trial. Hence, the 1st respondent be directed to withdraw the lookout circular No.2016419200 or otherwise, I will be put to irreparable loss and hardship."

7.Considering the submission of the learned 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.2016419200 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;

ii) 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.

8. Accordingly, this petition is ordered. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

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To,

1. The Deputy Commissioner of Police,
(Law & Order),
Thiruchirappalli City,
Trichy.

2. The Inspector of Police,
All Women Police Station,
Srirangam, Trichy.

3. The Secretary,
The Ministry of Home Affairs
Government of India,
New Delhi.



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

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+1CC to Mr.G.Prabhu Rajdurai, Advocate Sr.No.78474

GJM/GSV/PM/SAR-3-5.12.16-4p-6C

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01.12.016