

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42084 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a direction to the 3rd respondent to release his passport and to withdraw the lookout circular issued by the 3rd respondent against the petitioner.
2. Heard and perused the material available on record.
3. It is stated in the affidavit that the 4th respondent, who is the wife of the petitioner, filed a complaint against the petitioner and his family members for the offence under Sections 498-A, 506 r/w 34 IPC and Sections 4 and 6 of the Dowry Prohibition Act. Subsequently, the petitioner, his family members and the 4th respondent entered into compromise under a Memorandum of Understanding. Due to compromise, the case against his family members was closed. But the case against the petitioner, which was split up and numbered as C.C.No.298 of 2014, is kept pending as he was in abroad. When he came to India on 2.9.2016 to get the case closed pending against him in view of the compromise, he was detained against the lookout circular issued against him and thereafter, his passport was seized and he was released on bail.
4. Considering the facts and circumstances of the case and after hearing the submissions made by the learned Counsel for the petitioner, this Court is inclined to pass the following order:

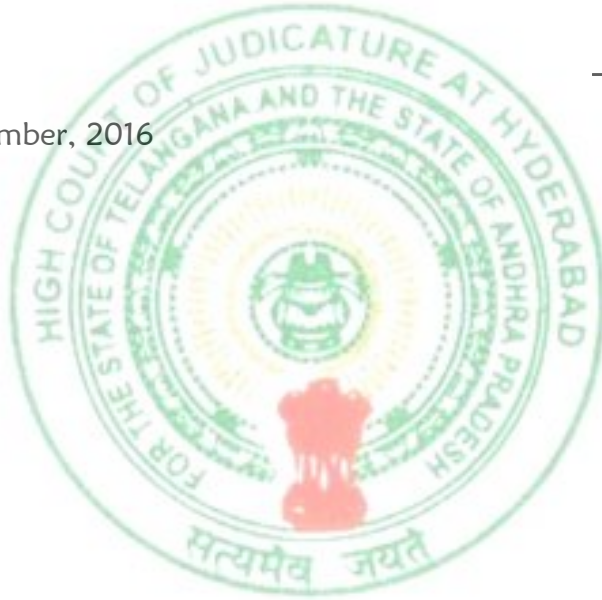
“The 3rd respondent is directed to return the passport of the petitioner or deposit the same with the Court concerned. If the passport is deposited with the Court concerned, the petitioner is

directed to file an application before the Court concerned and on such application being filed, the Court concerned is directed to return the same to the petitioner on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like sum to the satisfaction of the Court concerned. The look-out circular issued by the 3rd respondent is hereby cancelled.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 2nd December, 2016
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RAJA ELANGO, J



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