



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.2495 of 2017

Manickavel

... Petitioner/A1

-vs-

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.
(Crime No.16 of 2012)

... Respondents/Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to direct the respondents herein to withdraw the Lookout Circular, issued against him, pertaining to the case registered in Crime No.16 of 2012 on the file of the 2nd Respondent herein, which had been presently taken on file in C.C.No.578 of 2012 on the file of the Learned Judicial Magistrate Pattukottai, Thanjavur District.

For Petitioner : Mr.A.Thiruvadikumar
For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)
For defacto complainant: Mr.T.Lajapathi Roy

O R D E R

This petition has been filed to direct the respondents herein to withdraw the Lookout Circular, issued against him, pertaining to the case registered in Crime No.16 of 2012 on the file of the 2nd Respondent herein, which had been presently taken on file in C.C.No.578 of 2012 on the file of the Learned Judicial Magistrate Pattukottai, Thanjavur District.

2. Manickavel / the petitioner herein got married to one Shenbaga Sundari and through the wedlock, he has two children. Their marriage ran into rough weather, resulting in Shenbaga Sundari lodging a Police complaint, based on which, a case in Crime No.16 of 2012 was registered by the Inspector of Police, All Women Police Station, Pattukottai and after completing the investigation, Police have filed a charge sheet in C.C.No.578 of



2012 before the learned Judicial Magistrate, Pattukottai, Thanjavur District against Manickavel and all his family members. During investigation, it appears that the Police have issued Lookout Circular for securing the presence of Manickavel, who was said to be in Singapore, where he was gainfully employed. Challenging the prosecution in C.C.No.578 of 2012, Manickavel and other accused have filed Crl.O.P.(MD) No.20472 of 2016 before this Court for quashing the prosecution and this Court had dispensed with the personal appearance of the accused in C.C.No.578 of 2012. Under such circumstances, Manickavel has come to India and has appeared before the Trial Court.

3. It is represented that Manickavel was arrested during investigation in Crime No.16 of 2012 and was later released on bail. Now, Manickavel is before this Court for a direction to the Police to withdraw the Lookout Circular.

4. Heard Mr.A.Thiruvadi Kumar, learned counsel for the petitioner, Mr.Lajapathi Roy, learned counsel for Shenbaga Sundari and learned Government Advocate (Crl.Side) appearing for the State. Mrs.A.Jaya, Inspector of Police, All Women Police Station, Pattukottai is present and Shenbaga Sundarai is also present before this Court along with her two children.

5. It is brought to the notice of this Court that Shenbaga Sundari had initiated prosecution under Section 125 Cr.P.C. in M.C.No.12 of 2012 before learned Judicial Magistrate, Pattukottai and an exparte order came to be passed on 21.07.2013, awarding maintenance of Rs.7,000/- each to Shenbaga Sundari and her children from the date of petition, namely, 14.09.2012. Manickavel had filed a petition to set aside the exparte order, which has been dismissed by the learned Judicial Magistrate, pattukottai, aggrieved by which, Manickavel has filed a revision petition before the Sessions Court and the same is pending.

6. On a conspectus of the facts obtaining in this case, this Court is of the view that it will serve the interest of justice, if Manickavel is directed to pay some maintenance to Shenbaga Sundari and her two children. Today, Manickavel has filed an undertaking affidavit before this Court, wherein in Paragraph No.13, he has stated as follows:

"3. I submit that at present, I undertake to pay a sum of Rs.3,00,000/- to the credit of M.C.No.12 of 2012 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District, which my wife and children may be permitted to withdraw after I leave abroad. I submit that without prejudice to the merits of my case in the maintenance proceedings, I may be permitted to make the amount in the said proceedings. I submit that I have no objection in my wife and children withdrawing the deposit



of Rs.3,00,000/- which would be deposited by me to the credit of M.C.No.12 of 2012 on the file of the Learned Judicial Magistrate, Pattukottai, Thanjavur District, immediately after I leave abroad. I submit that the proof of my departure would be filed by my counsel before the Learned Judicial Magistrate, Pattukottai, Thanjavur District."

7. Per contra, Mr.Lajapathi Roy, learned counsel appearing for Shenbaga Sundari submitted that Shenbaga Sundari is struggling to make her ends meet and he prayed that Manickavel may be directed to make some interim maintenance apart from depositing a lump sum of Rs.3,00,000/-, which Manickavel has undertaken to deposit.

8. This Court gave its anxious consideration to the rival submissions.

9. This Court is of the view that Shenbaga Sundari needs to be reasonably compensated, as she has to take care of herself and her two children. Therefore, this Court directs Manickavel to deposit Rs.3,00,000/- to the credit of M.C.No.12 of 2012 before the learned Judicial Magistrate, Pattukottai within two weeks from the date of receipt of a copy of this order and on such deposit, Shenbaga Sundari will be entitled to withdraw the same unconditionally. Learned Magistrate shall give credit to this amount in computing the arrears of maintenance. Manickavel is directed to pay a sum of Rs.5,000/- per month as maintenance to Shenbaga Sundari from May, 2017 onwards, which amount shall be deposited to the credit of M.C.No.12 of 2012 before the learned Magistrate, Pattukottai on or before 10th of every English Calendar month and on such deposit, Shenbaga Sundari will be entitled to withdraw the same. The respondent police is directed to recall the Lookout Circular on Manickavel producing the receipt for having deposited Rs.3,00,000/- in M.C.No.12 of 2012 before the learned Judicial Magistrate, Pattukottai.

With the above directions, this petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Pattukottai,
Thanjavur District.

2. The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Thanjavur District,
Thanjavur.



3. The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.

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

+1cc to M/S.A.Thiruvadikumar, Advocate, SR.18546/17

CrI.O.P. (MD) No.2495 of 2017
27.03.2017

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