



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.7663 of 2017

R.Suriyaprabha

: Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Usilampatti All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.22/17)

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to issue lookout circular of the petitioner's husband Rajthilak in Crime No.22 of 2017 on the file of the second respondent and to secure the accused within the stipulated time.

For Petitioner : Mr.B.Sukumar

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed seeking a direction to the first respondent to issue lookout circular to the petitioner's husband, namely, one Mr.Rajthilak in Crime No.22 of 2017 on the file of the second respondent and to secure the accused within the stipulated time.

2.The learned counsel appearing for the petitioner states that the petitioner is the wife of one Mr.Rajthilak. Since the petitioner's husband and his family members have ill-treated the petitioner, a complaint was given against her husband. It is further stated that a case was registered in Crime No.22 of 2017 for the offences punishable under Sections 498(A), 406, 294(b), 109 and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961. The petitioner herself has admitted that her husband has filed a petition for divorce in H.M.O.P.No.257 of 2017 on the file of the Family Judge, Madurai and that the petitioner also has



filed a petition for restitution of conjugal rights in H.M.O.P.No.319 of 2017. It is strange that a person who seeks restitution of conjugal rights from her husband has made serious allegations and making him liable for criminal prosecution for the offences under Sections 498(A), 406, 294(b) and 506(i) of I.P.C.

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3.Be that as it may. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, submitted that the petitioner's husband is still in Dubai and his presence is not secured for various reasons.

4.Having regard to the fact that the petitioner's husband is in Dubai, this petition is liable to be dismissed. Further, the conduct of the petitioner in the present context clearly exposes that for the purpose of harassing the petitioner's husband, this petition is filed. The petitioner has given a complaint against her husband for offences punishable under Sections 498(A), 406, 294(b), 109 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Dowry Prohibition Act. The complaint itself has been lodged only for the purpose of impounding the passport of her husband. In her complaint, she only seeks severe action against her husband, as she is not able to prosecute the criminal case as well as the matrimonial dispute in the pending cases. The petitioner husband is neither a criminal nor a person against whom several complaints are pending so that this Court can hold that it is not conducive in the interest of public to let him away or to permit him to leave this country.

5.Having regard to the circumstances narrated, this Court also is of the view that this petition is liable to be dismissed with costs. Accordingly, this Criminal Original Petition is dismissed with a cost of Rs.1,000/- (Rupees One Thousand only) payable to the credit of the Hon'ble Chief Justice Relief Fund, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Usilampatti,
Madurai District.



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

COPY TO:

- 1 The Registrar General,
High Court, Madras.
- 2 The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.
- 3 The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

CRL.O.P. (MD) No. 7663 of 2017
03.08.2017

srm

JM/SV MMS/SAR 3/28.08.2017/3P/7C