



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.15320 of 2017

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Arunkumar

... Petitioner

Vs.

1.The Deputy Commissioner of Police(L & O),
Office of the Commissioner of Police,
Tiruchirappalli - 620 020.

2.The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent police to withdraw the Look Out Circular issued as against the petitioner in connection with the Crime No.14 of 2017 on the file of the 2nd respondent police and consequently direct the 1st respondent to communicate the order of lifting of travel restriction imposed in pursuant to abovesaid Look Out Circular to the Immigration Offices.

For Petitioner	: Mr.S.Deenadhayalan
For Respondents	: Mr.A.K.Baskara Pandian, Special Government Pleader.

O R D E R

This petition has been filed for issuance of a writ of mandamus, directing the first respondent police to withdraw the Look Out Circular issued as against the petitioner in connection with the Crime No.14 of 2017 on the file of the 2nd respondent police and consequently direct the 1st respondent to communicate the order of withdrawing the look out circular and the consequential order of lifting of travel restriction imposed in pursuant to abovesaid Look Out Circular to the Immigration Offices.

2.The case of the petitioner is that the second respondent police has registered a case in Crime.No.14 of 2017 as against the petitioner and his family members for offences under Sections 498-A, 406, 506(i) IPC and Section 4 of Dowry Prohibition Act.

<https://hcservices.ecourts.gov.in/hcservices/> The case was registered on the basis of the complaint given by the petitioner's wife. The petitioner also stated that



the petitioner and others were granted Anticipatory Bail by this Court in Crl.O.P.(MD) No.9520 of 2017, dated 25.07.2017.

4.It is the case of the petitioner that he is employed as Software Engineer in TATA consultancy Services at Atlanta State, USA and he left India immediately after his marriage. It is the further case of the petitioner that his wife left her matrimonial home due to some misunderstanding. It is stated by the petitioner that after his treatment at Trichy, he went to Chennai Airport to join his job at U.S.A and that during immigration check up, petitioner was not permitted to leave India due to the Look Out Circular issued as against the petitioner at the instance of the first respondent in connection with Crime.No.14 of 2017. Hence, the petitioner is not in a position to travel abroad to join duty. In these circumstances, the petitioner has come forward with the present writ petition.

5.The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner himself has undertaken to appear for enquiry as and when, it is required by the second respondent, as per the order of this Court when anticipatory bail was granted to the petitioner. Hence, permitting the petitioner to leave India will hamper the further investigation and enquiry as contemplated. The petitioner undertakes that he will appear for enquiry, if his presence is specifically required in future apart from giving co-operation for any preliminary enquiry. The petitioner is working in abroad and his fundamental right to protect his employment is important and putting any embargo will affect his right guaranteed under Article 21 of Constitution of India.

6.In that view of the matter, considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner as well as the Special Government Pleader appearing for the respondents, this Court is inclined to pass the following order:

7.The petitioner is directed to co-operate for any preliminary enquiry and appear himself for the enquiry in the manner and in accordance with law for a period of two weeks from the date of receipt of a copy of this order. The second respondent is directed to hold the preliminary enquiry and thereafter, depends upon the conditions imposed by this Court regarding appearance of the petitioner being relaxed by this Court, the first respondent is directed to withdraw the Look Out Circular issued as against the petitioner in connection with Crime.No.14 of 2017 on the file of the second respondent police and consequently the first respondent is directed to communicate lifting of travel restriction imposed against the petitioner in pursuant to the Look Out Circular to the Immigration Officers within a period of two weeks thereafter.



8. With the above directions, this writ petition is closed.
No costs.

Sd/-

Assistant Registrar (CS-III)

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/True copy/

Sub Assistant Registrar

To

1. The Deputy Commissioner of Police (L & O),
O/o. the Commissioner of Police,
Tiruchirappalli.

2. The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy City.

+1cc to The Special Government Pleader, SR.75096

+1cc to Mr. S. DEENADAYALAN, Advocate, SR.74860

W.P. (MD) No.15320 of 2017
28.08.2017

MM/MSA

KK/SV MMS/SAR3-30.08.2017-3P-5C