



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Nineteenth day of August Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.14462 of 2019

IN

WP(MD) No.18010 of 2019

A.ASHIK

... PETITIONER

Vs

1.THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT, NAGERCOIL.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.

3.THE IMMIGRATION OFFICER,
TRIVANDRUM INTERNATIONAL AIRPORT,
TRIVANDRUM.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an interim injunction Restraining the respondent from anyway preventing the petitioner with passport No.L4556863 to travel abroad pending disposal of the above Writ Petition and thus render justice.

Prayer in WP(MD) . 18010/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court forbearing the respondent from anyway Restraining the petitioner with passport No.L4556863 to travel abroad based on the representation of the petitioner dated 13.8.2019.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.VEERAKATHIRAVAN, Senior Counsel for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(Crl.Side) for R1,R2 and Mr.V.KATHIRVELU, Assistant Solicitor General assisted by Mr.S.RAGHAVENTHIRI, learned Central Government Standing counsel on behalf of the Respondents the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



Mr.A.Robinson, learned Government Advocate(Crl.Side) takes notice for respondents 1 and 2.

2. M/s.S.Raghaventhiri, learned Central Government Standing counsel takes notice for the third respondent. The learned counsel seeks time to file their counter.

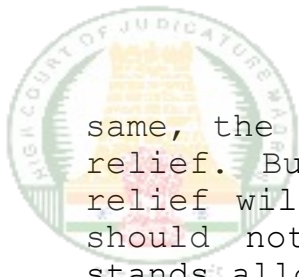
3. However, the learned Senior counsel appearing for the petitioner insisted that this Court should grant interim relief for the petitioner.

4. The petitioner got married to one Ramisha in the year 2014. The marital relationship has come under strain. The petitioner's wife lodged a complaint against the petitioner before the All Women police station, Nagercoil, leading to registration of Crime No.22 of 2019 for the offences under Sections 294(b), 498(A), 406 and 506(2) of I.P.C., and Sections (3(1) and 4 of the Dowry Prohibition Act, 1961. The petitioner is figuring as the first accused in the said case. The petitioner has been granted anticipatory bail by this Court. In the meanwhile, lookout circular was issued against the petitioner. Challenging the same, the petitioner filed W.P.(MD) No.17445 of 2019. This Court after hearing the counsel on either side came to the conclusion that the Writ petitioner is having roots only in India and that there is no possibility of his running away from the long arm of justice. After recording the undertaking of the petitioner that he would co-operate with the investigation, this Court allowed the Writ petition directing the respondents to recall the lookout circular issued against him. This order was passed by me on 13.08.2019.

5. The petitioner is employed in Saudi Arabia as a worker. His employment Visa requires renewal once in six months. It is due to expire on 24.08.2019. The petitioner has to necessarily report for duty before the expiry of the Visa. It is for this reason, the earlier Writ petition was filed.

6. The Superintendent of Police, Kanyakumari District, Nagercoil/first respondent herein has addressed a letter dated 17.08.2019 seeking withdrawal of the lookout circular. But then, formal orders have not been issued. Therefore, the apprehension of the Writ petitioner that he will not be able to travel abroad is legitimate and well founded. If no relief is granted, his Visa will expire and the very purpose of the institution of the Writ proceedings will be rendered nugatory.

7. It is true that the learned counsel appearing for the respondents opposed the prayer made herein on the ground that the interim relief and the main relief are one and the same. It is true that when the interim relief and the main relief are one and the



same, the Courts will normally be very slow in granting the interim relief. But it is not an universal rule. If denying the interim relief will render the main Writ petition infructuous, this Court should not hesitate to grant the interim relief. This petition stands allowed, accordingly.

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sd/-
19/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT, NAGERCOIL.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.

3.THE IMMIGRATION OFFICER,
TRIVANDRUM INTERNATIONAL AIRPORT,
TRIVANDRUM.

+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.13678

ORDER
IN
WMP(MD) No.14462 of 2019
IN
WP(MD) No.18010 of 2019
Date :19/08/2019

pmu
TK/VR/SAR.4/19.08.2019/3P/5C