



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

WEB COPY

W.P. (MD) No.23114 of 2019

and

W.M.P (MD) No.19837 of 2019

M.Michael Franklin

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil

2.The Inspector of Police
All Women Police Station
Kanyakumari, Kanyakumari District

3. The Chief Immigration Officer
Shastri Bhavan Annexe Building
No.26, Haddows Road
Nungambakkam, Chennai- 6

4. The Chief Immigration Officer
2nd Floor, Airlines Building
Cochin International Airport Ltd
Airport post
Cochin-683111
Kerala

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to withdraw the Look out Circular in LOC No.2019422430 in LOC Suspect NO.1946082 issued against the petitioner in connection with the Crime No.39 of 2018 on the file of the 2nd respondent and consequently direct the 1st respondent to communicate the order of lifting of travel restriction imposed against the petitioner in pursuant to above said lookout circular to the 3rd and 4th respondents.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.R.Anandharaj, APP

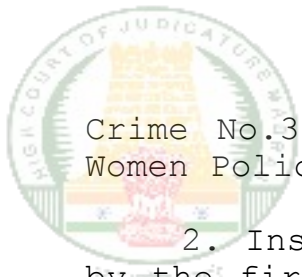
Nos.1 &2

Nos.3&4 : Mrs.S.Raghaventhree

Central Government Standing Counsel

O R D E R

<https://hcservices.eCourts.gov.WritPetition> Petition is filed for issuance of Writ of Mandamus directing the first respondent to withdraw the Look out Circular in LOC No.2019422430, issued against the petitioner in connection with



Crime No.39 of 2018 on the file of the Inspector of Police, All Women Police Station, Kanyakumari District.

2. In spite of challenging the order of Look out Circular issued by the first respondent, this writ petition has been filed by way of mandamus. However the learned counsel for the petitioner restricted the relief sought for in this writ petition for issuing a direction to the first respondent to consider his representation dated 29.10.2019.

3. The case of the petitioner is that out of matrimonial dispute between him and his wife he filed divorce application in IDOP No.174 of 2018 on 04.09.2018 and the same is pending before the Family Court, Tirunelveli. Aggrieved over the same the wife of the petitioner lodged a criminal complaint against the petitioner in Crime No.39 of 2018 for dowry harassment. The petitioner also filed application for anticipatory bail before this Court, however the anticipatory bail application was rejected. Even before registering the case in crime No.39 of 2018, the petitioner appeared before the District Social Welfare Officer and also co-operated for enquiry. However he was arrested and also enlarged on bail by the Court of Sessions.

4. According to the learned counsel for the petitioner, the petitioner is working at Oman and for the course of his employment he has to travel to Oman, otherwise he will lose his job. He also undertook to file necessary affidavit before the trial court that he will co-operate for the trial and he will appear before the trial court as and when his presence is required.

5. Considering the fact that the petitioner was arrested and released on bail in Crime No.39 of 2018 and that he co-operated the enquiry before the District Social Welfare Officer and his undertaking that he will appear before the trial court as and when his presence is required, the first respondent shall take decision on the representation of the petitioner dated 29.10.2019, by recalling the Look Out Circular issued against the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, the Writ Petition is disposed of. Consequently connected miscellaneous petitions are also closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //



1.The Superintendent of Police,
Kanyakumari District at Nagercoil

2.The Inspector of Police
All Women Police Station
Kanyakumari, Kanyakumari District

+1 CC to Mr.G.ARAVINTHAN, Advocate (SR-95827[F] dated 04/11/2019)

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VB(20.12.2019) 3P 4C