



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 3306 of 2020

Karthikeyan

...Petitioner/1st Accused

Vs.

1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,
Anna Nagar Police District,
Anna Nagar, Chennai - 600 040.

..1 & 2 Respondents

3.The Inspector of Police,
W-7, Anna Nagar AWPS,
Anna Nagar,
Chennai - 600 040.

..3rd Respondent/Complainant

4.Swetha Latha

...4th Respondent

(R4 is impleaded as per order in
Crl.M.P.No.2231 of 2020
in Crl.O.P.No.3306 of 2020,
dated 21.02.2020)

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. Praying to withdraw the Look Out Circular issued against
the Petitioner having his Passport No. J3723868, in Crime No.5
of 2019 on the file of the 3rd Respondent.

For Petitioner : Mr.K.Selvakumaraswami

For R1 to R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

For R4 : Mr.Dinabose

ORDER

This petition has been filed for a direction, directing the
third respondent to withdraw the Look Out Circular issued
against the petitioner in view of the crime registered in Crime
No.5 of 2019 on the file of the third respondent herein.



2. Learned counsel for the petitioner submitted that the petitioner got married with the fourth respondent in the year 2014. Due to the misunderstanding between them there was a family dispute between them. He is working in Mexico and he attended his sister's marriage in India. While so, he was informed that the Look Out Circular is pending against him in respect of Crime No.5 of 2019 on the file of the third respondent. Now, he submitted that he have to report duty to his employer at Mexico in the month of August. He further submitted that he is not habitual offender admittedly it is a family dispute between the petitioner and fourth respondent. He further submitted that he would not abscond from the crime as alleged by the fourth respondent.

3. Learned counsel for the fourth respondent submitted that the petitioner is got married with the fourth respondent in the year 2014. After their marriage both have lived in Mexico. Due to family dispute, only with intention to leave his wife. He driven the fourth respondent from Mexico to India. He further submitted that there are very serious allegations as against the petitioner and there was a dowry demand and also harassment. Further, now he intended to leave the fourth respondent in India and purchase ticket to go to abroad. If the petitioner let out to go abroad, he will not return back in India and the entire life will be spoiled. He further submitted that though this Court ordered for mediation, petitioner is not willing to attend mediation. She is also ready and willing to leave the petitioner.

4. Learned Additional Public Prosecutor for the first to third respondents submitted that on the complaint lodged by the fourth respondent, the third respondent registered a case in Crime No.5 of 2019 for the offence under Sections 498a and 506 (i) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998. Now, the third respondent almost in the edge of completing the investigation in Crime No.5 of 2019. Pending investigation, the look out circular cannot be withdrawn and if the petitioner let out to go abroad, he will not return back to India.

5. It is seen that the petitioner and the fourth respondent are husband and wife. There was a family dispute between them and as such the fourth respondent lodged a complaint and the same was registered in Crime No.5 of 2019 for the offence under Sections 498a and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 by the third respondent herein. Now, the investigation is pending. Pending investigation, the look out circular was issued, it is pending against the petitioner. Now, the petitioner wants to go to Mexico to report duty to his employer. The apprehension of



the fourth respondent is that if the petitioner let out to go to abroad, there is no possibility in union between the petitioner and fourth respondent.

6. Considering the facts and circumstances of this case and also pendency of the investigation, this Court is not inclined to direct the third respondent to withdraw the look out circular. Therefore, this petition is dismissed as devoid of merits. Further, after completion of investigation and after filing of final report in Crime No. 5 of 2019, petitioner is at liberty to approach the third respondent to withdraw the look out circular. However, the third respondent is directed to complete the investigation and file final report before the concerned jurisdiction Magistrate within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this criminal original petition is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Anna Nagar Police District,
Anna Nagar, Chennai - 600 040.
- 3.The Inspector of Police,
W-7, Anna Nagar AWPS,
Anna Nagar,
Chennai - 600 040.
- 4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.3306 of 2020

CA(CO)
SP(14/07/2020)