

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19167 of 2020
and W.M.P.No.23746 of 2020

A.R.Salaudeen Abdul Rajack,
Son of Late.Abdul Rajack,
residing at Abraaj Captial Dubai,
International Financial Centre,
(DIFC) Gate Village, 8 III Floor,
Dubai - UAE P0504905. ... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
All Woman Police Station,
Panruti, Cuddalore District.

3.The Immigration Officer,
Chennai Airport,
Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 1st respondent to withdraw the LOOK OUT CIRCULAR No.4 of 2020 in connection with C.C.No.619 of 2019, on the file of the Additional Mahila Court, Cuddalore and consequently direct the first respondent to communicate the order of lifting of travel restrictions imposed pursuant to above said LOOK OUT CIRCULAR to the immigration officer.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
for RR1 and 2.

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus directing the first respondent to withdraw the Lookout Circular issued against the petitioner.

2. Based on the complaint given by the wife of the petitioner, an F.I.R. came to be registered in Crime No.6 of 2018 against the petitioner and seven others. Thereafter, an anticipatory bail petition was filed by the petitioner and others and this Court directed them to appear before the respondent Police for enquiry. The further case of the petitioner is that the F.I.R. has been quashed insofar as the five other accused persons are concerned and it is now sustained only insofar as the petitioner and his mother. A final report has also been filed on 18.06.2019 against the petitioner and his mother for offences under Section 498(A), 406, 294(b), 506(1) IPC and Section 4 and 6(2) of the Dowry Prohibition Act.

3. The grievance of the petitioner is that the first respondent has issued a Lookout Circular against the petitioner and as a result of the same, the petitioner was not able to get into India in order to face the proceedings initiated by his wife. The petitioner therefore wants the first respondent to withdraw the Lookout Circular so that the petitioner can enter into India without any hassle and face the proceedings.

4. The learned Additional Public Prosecutor appearing on behalf of the respondents submitted that the first respondent has issued a Lookout Circular against the petitioner and same is in force even today. The learned counsel further submitted that the first respondent will abide by any directions issued by this Court in this regard.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The petitioner and his mother will have to face the trial before the Court below. That apart, there are also other proceedings initiated by the wife of the petitioner and the petitioner has to necessarily participate in those proceedings also. A specific stand has been taken by the petitioner to the effect that the Lookout Circular should be withdrawn to enable the petitioner to come into India and participate in the proceedings.

7. In view of the specific stand taken by the petitioner, there shall be a direction to the first respondent to immediately send a communication to the Immigration Department to keep the Lookout Circular in L.O.C.No.4 of 2020 in abeyance.

So that, the petitioner can travel from Dubai to India and attend the proceedings. If the petitioner tries to flee away from the clutches of law and attempts to drag on the trial, the first respondent is at liberty to communicate to the Immigration Department to revive the Lookout Circular. By giving such directions, the movement of the petitioner can be made free of any hassle and at the same time there will also be progress in the pending proceedings.

8. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order and the first respondent shall act upon the same in line with the directions issued by this Court.

9. This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
All Woman Police Station,
Panruti, Cuddalore District.

3. The Immigration Officer,
Chennai Airport,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.V.V.Sairam, sr.9994

W.P.No.19167 of 2020

AKII (CO)
RMP (24/02/2021)