



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD)No.10209 of 2021
and WMP(MD)No.7920 of 2021

Senthilnathan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
AWPS-Pudukkottai Police Station,
Pudukkottai District.(Crime No. 16/2019)

3.Assistant Director/SIC,
Sector - 1, BOI Headquarter,
East Block VIII, Sec-1,
R.K.Puram,
New Delhi - 110 066.

4.The Chief Immigration Officer,
Immigration Department,
Tiruchirappali International Airport,
Tiruchirappalli.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to withdraw or cancel the lookout circular issued against the petitioner (Passport Number M9118168) regarding Crime No.16/2019 on the file of the 2nd respondent by considering the petitioner's representation dated 10.06.2021 and consequently direct the 1st respondent to communicate the order to the 3rd and 4th respondents.

For Petitioner : Mr.K.C.Maniyarasu

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

**ORDER**

This petition has been filed seeking a direction to the first respondent to withdraw or cancel the lookout circular issued against the petitioner (Passport Number M9118168), regarding Crime No.16/2019, on the file of the 2nd respondent by considering the petitioner's representation dated 10.06.2021.

2. The case of the petitioner is that he is working as Senior Properties Surveyor at Dubai Municipality, under the Employee Number being 18962 and was temporarily residing there. He married one Sumithra on 10.07.2009. They had two children, because of the marriage. For delivering the third child, she came to India in the year 2018 and she was under the false impression that the petitioner is going to marry a girl at Dubai. Hence, she filed a suit in O.S.No.131 of 2018 for permanent injunction against the petitioner before the District Munsif Court, Pudukkottai and thereafter, it was transferred to Judicial Magistrate cum District Munsif Court, Gandarvakkottai and taken on file in O.S.No.141 of 2019. Thereafter, she also gave a complaint before the concerned police and in respect of which, Crime No.16 of 2019, under Sections 498 (A), 323 and 506(1) of IPC was registered. Even before that, the petitioner went to Dubai on 11.6.2019. He returned to India on 13.04.2021 and in the Airport, he was detained, stating that lookout circular has been issued against him and is pending. On coming to know about the criminal case, he moved an anticipatory bail before the Principal District Court, Pudukottai and his wife intervened in the petition and based upon the representation made by his wife, a sum of Rs.40,000/- (Rupees Forty Thousand only) as maintenance per month was ordered and granted anticipatory bail by the Principal District Court, Pudukottai on 29.04.2021. Now the grievance of the petitioner is that he has to return to Dubai to join duty, since his leave expires today i.e., on 17.06.2021 and hence, the petitioner has come forward with the present Writ Petition.

3. The learned Additional Public Prosecutor submits that if the petitioner is permitted to go abroad by cancelling the lookout circular, his presence cannot be ensured during the trial proceedings.

4. On a perusal of the records, it is seen that there is a matrimonial dispute. The petitioner has been granted anticipatory bail by the concerned Court and the matter is under investigation. The petitioner is an employee of Dubai Municipality and therefore, the same can also be taken into account. The proper course available to the petitioner is to get appropriate permission from the appropriate Court for leaving India. However, a representation is pending before the first respondent herein. Hence, the first respondent is hereby directed to consider the representation of the petitioner to cancel the lookout circular on merits, by enquiring



the petitioner and taking into account the other circumstances and pass orders on merits, within a short time.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai.
- 2.The Inspector of Police,
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- 3.Assistant Director/SIC,
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