



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16168 of 2021

and

W.M.P(MD)No.13035 of 2021

WEB COPY

A.Althaf

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

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

3.The Chief Immigration Officer,
ShastriBhavan Annex Buildings,
20, Haddows Road, Nungambakkam,
Chennai-6

4.The Chief Immigration Officer,
3rd Floor, Airlines Building,
Cochin International Airport Ltd.,
Airport Post, Cochin. Kerala.

5.Mohamed Shameera
(R5 is impleaded vide Court
order dated 21.10.2021) in WMP(MD) No.13669 of 2021

6.The Regional Passport Officer, Madurai.

7.The Registrar, Anna University, Guindy,
Chennai.

8.The Corespondent,
CSI Institute of Technology,
Thovalai, Kanyakumari District.

... Respondents

(R6 to R8 are suo motu impleaded
vide Court order dated 22.11.2021)

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 04.08.2021 passed by the second respondent and the Look Out Circular in LOC Suspect No.2141400 dated 15.02.2021 opened at the request of the first respondent in



letter/memo No.C.No.D3/143/CRIME/DCRB/KK1/21 and quash the same.
For Petitioner : Mr.S.Anwar Sameem for T.Antony Arulraj
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 & R2

Mr.S.JeyaSingh
Senior Central Govt Standing Counsel for
R3,R4 and R6

Mr.P.T.Ramesh Raja for R5

Mr.K.Govindarajan for R7

O R D E R

The writ petitioner A.Althaf and fifth respondent Mohamed Shameera got married to each other on 09.06.2013. The matrimonial relationship between them came under strain. The fifth respondent initiated prosecution against the writ petitioner. The Look out circular was also issued. Seeking to quash the Look out circular, the writ petition came to be filed.

2.This Court mediated the dispute between the writ petitioner and the fifth respondent. The matter was amicably settled. The memo of compromise was also entered into between the parties. The fifth respondent stated that her original certificates and passport are being retained by the writ petitioner. The writ petitioner took the stand that he is not in possession of the fifth respondent's Educational certificates or the Passport. I felt that on this ground, the talks should not suffer a breakdown. I therefore, *suo motu* impleaded the College, in which, the fifth respondent studied as well as Anna University and also Regional Passport Officer, Madurai so that directions can be given for issuance of duplicate certificates and Passport since this is a case in which inherent powers of this Court will have to be invoked for rendering substantial justice between the parties. Learned Standing Counsel appearing for the University states that if the fifth respondent submits a formal application, the University will entertain the same and issue the duplicate certificates sought for by the fifth respondent without any delay. The fifth respondent should of course fulfil the other usual formalities.

3.Learned Assistant Solicitor General of India also made a submission on the same lines. Recording the submission made by the learned Standing Counsel for Anna University as well as the learned Assistant Solicitor General of India, the following the directions are issued:

a)The fifth respondent is permitted to submit a formal application to the Anna University for issuance of duplicate certificates.

b)She states that she obtained a degree in Engineering (B.Tech) and that she passed out of CSI



Engineering College, Thovalai in the year 2006. The said application will be entertained by the Anna University and duplicate certificates shall be issued on payment of necessary charges. The Anna University will not insist on any non-traceable certificate from the concerned police.

WEB COPY

c)The fifth respondent is permitted to submit an application to the Regional Passport Officer, Madurai, for issuance of duplicate Passport. The 6th respondent shall entertain the said application and issue duplicate Passport on payment of necessary charges without insisting on any non-traceable certificate from the concerned police.

4.The lookout circular issued against the petitioner is lifted. The Superintendent of Police, Nagercoil, Kanyakumari District is directed to intimate about the lifting of the lookout circular to all the concerned authorities forthwith and without any delay so that the petitioner can very well travel abroad.

5.The criminal prosecution initiated by the fifth respondent in Crime No.37 of 2020 on the file of the All Women Police Station, Nagercoil, Kanyakumari District and C.C.No.51 of 2019 on the file of the Judicial Magistrate cum Additional Mahila Court, Nagercoil and DV.C.No.23 of 2018 on the file of the Judicial Magistrate Court No.II, Nagercoil and M.C.No.132 of 2021 on the file of the Family Court, Nagercoil stand quashed in view of the compromise arrived at between the parties. If the writ petitioner fails to pay the balance amount of Rs.10 lakhs to the fifth respondent on or before 22.11.2022, the aforesaid criminal proceedings will stand revived as against all the accused. The compromise memo dated 22.11.2021 will form part of this order. This Writ Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

Encl: Photocopy of Compromise Memo attached.

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 Judicial Magistrate cum Additional Mahila Judge,
Nagercoil

2.The Judicial Magistrate II, Nagercoil.

3.The Judge, Family Court, Nagercoil.

4.The Superintendent of Police,
Nagercoil, Kanyakumari District.

5.The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

6.The Chief Immigration Officer,
Shastri Bhavan Annex Buildings,
20, Haddows Road, Nongambakkam,
Chennai-6

7.The Chief Immigration Officer,
3rd Floor, Airlines Building,
Cochin International Airport Ltd.,
Airport Post, Cochin. Kerala.

8.The Regional Passport Officer, Madurai.

9.The Registrar, Anna University, Guindy,
Chennai.

10.The Correspondent,
CSI Institute of Technology,
Thovalai, Kanyakumari District.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-36957[F] dated
02/12/2021)

+1 CC to M/s.S.JEYASINGH, Advocate (SR-37067[F] dated 02/12/2021)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-37112[F] dated
02/12/2021)

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-37296[F] dated
03/12/2021)

W.P (MD) No.16168 of 2021

and

W.M.P (MD) No.13035 of 2021

01.12.2021

MGJ(04.01.2022) 4P 15C

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