



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18098 of 2021

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... Petitioner

Vs.

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

2.The State represented by
The Inspector of Police,
All Women Police Station,
Keelakarai.
(Crime No.14 of 2019)

3.The Chief Immigration Officer,
Chennai International Airport,
Chennai.

4.Aysathu Beevi
(R4 Suo motu impleaded as per
order of this Court dated 19.11.2021
in Crl.O.P(MD)No.18098 of 2021)

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to withdraw the Look Out Circular/Notice issued against the petitioner in connection with the case in Crime No.14 of 2019 on the file of the second respondent and consequently, direct the first respondent to intimate the same to the immigration officers.

For Petitioner : Mr.A.Sathick Raja

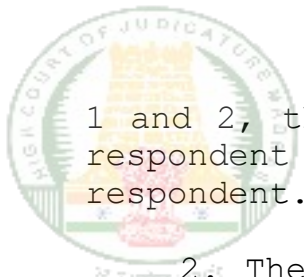
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl Side) for R.1 & R.2

Mrs.L.Victoria Gowri
Assistant Solicitor General of India for R.3

Mr.Lakshmi Shankar for R.4

ORDER

Heard the learned counsel appearing for the petitioner, the
<https://hcservices.records.gov.in/hcservices/> Learned Government Advocate (Criminal Side) appearing for respondents



1 and 2, the learned Assistant Solicitor General of India for third respondent and the learned counsel appearing for the fourth respondent.

2. The petitioner and the fourth respondent got married to each other in the year 2009. Two children were also born through the wedlock. They are presently not together. Their marital relationship has come under some strain. The fourth respondent has given a criminal case against the petitioner and the same has been registered in Crime No.14 of 2019 on the file of All Women Police Station, Keelakarai. The petitioner was originally working in abroad. He is not present in India. He is, however, not able to leave India because of the issuance of Look Out Circular against him. Seeking lifting of the Look Out Circular, this Criminal Original Petition has been filed.

3. The learned counsel appearing for the fourth respondent strongly contended that if the petitioner is allowed to leave India, he will not return and he also pointed out that the petitioner has not at all maintained the fourth respondent as well as the children all these years.

4. The learned counsel for the petitioner submitted that for the last two years, the petitioner is without employment and he is not having any resources. He gave an assurance to the Court that once he gets Overseas employment, he will be able to pay the maintainance to the fourth respondent.

5. This Court made it clear that the petitioner must make some interim payment and adjourned the matter.

6. Today, when the matter was taken up for hearing, the learned counsel for the petitioner produced a bankers cheque for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) favouring the fourth respondent. The same has been handed over to the fourth respondent's counsel on direction from this Court. The petitioner gives further undertaking that he will pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per month towards the fourth respondent and children. The petitioner's liability commences from the month of January 2022. However, the payment will be made only from the month of March 2022. The petitioner will collect the Bank Account details of the fourth respondent and remit the monthly maintainance amount of Rs.15,000/- (Rupees Fifteen Thousand only) on or before 10th of every month. The learned counsel for the fourth respondent states that the petitioner's salary is around Rs.4,00,000/- (Rupees Four Lakhs only). As of now, there is no material in support of the said contention. As and when the petitioner, joins the Overseas employment, the petitioner through his counsel, will file a Memo in this Criminal Original Petition about the salary details. Based on the said salary details, the maintainance amount can be reworked accordingly. The



Regional Passport Officer is directed to restrict the validity of the petitioner's Passport to December 2023. The petitioner gives further undertaking that he will make appropriate arrangements to ensure that the proceedings against him are not delayed on account of his presence abroad.

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7. The petitioner is also directed to execute a Special Vakalath in favour of the counsel before the jurisdictional Court in Crime No.14 of 2019. The Counsel who has given Special Vakalath can represent the petitioner in the proceedings that may be initiated against the petitioner. Since the rights of the fourth respondent have been safeguarded, I am of the view that the Look Out Circular issued against the petitioner can be ordered to be lifted. I make it clear that the arrangements now worked out in this petition is only an interim and *ad hoc* arrangement that will not come in the way of the fourth respondent from seeking better relief before the concerned forum or Court.

8. The respondents 1 and 2 herein are directed to intimate the concerned authorities for withdrawing the Look Out Circular earlier issued against the petitioner. This Criminal Original Petition is allowed on these terms.

9. It is, of course, open to the petitioner herein to move this Court by filing a fresh petition for appropriate relief based on the existing position for any other relief.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Ramanathapuram District, Ramanathapuram.

2.The Inspector of Police,
All Women Police Station,
Keelakarai.



3.The Chief Immigration Officer,
Chennai International Airport,
Chennai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Regional Passport Officer, Madurai.

+4 CC to M/s.S.A.S.ALAUDEEN, Advocate (SR-39900[F] dated
22/12/2021)

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-40024[F]
dated 22/12/2021)

Crl.O.P. (MD)No.18098 of 2021
21.12.2021

RD(23.12.2021) 4P 11C