



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.2308 of 2022

S.Iyappan @ Mani

... Petitioner/
Accused No.1

Vs.

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

2. The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
(Crime No.3 of 2021)

...Respondents 1 and 2/
Complainants

3.R.Satya

...3rdRespondent/
Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. directing the first respondent to withdraw the lookout circular culminated in R.C.No.C1/18678/2021, dated 16.09.2021, in connection with Crime No.3 of 2021 on the file of the second respondent.

For Petitioner : Mr.Shangar Murali

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Crl Side)

For R3 : Mr.S.Kanagarajan

ORDER

The petition has been filed, seeking a direction to the first respondent to withdraw the lookout circular issued in R.C.No.C1/18678/2021, dated 16.09.2021, issued in Crime No.3 of 2021, on the file of the second respondent.

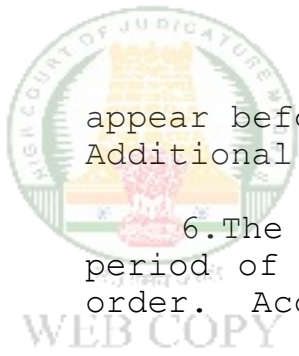


2.The third respondent lodged complaint before the second respondent alleging that she got married to the petitioner on 02.02.2017. Thereafter, there was misunderstanding between them due to matrimonial disputes which culminated into divorce petition in H.M.O.P.No.104 of 2020 filed by the petitioner for divorce on the file of the Family Court, Thanjavur and counter claim for restriction of constitutional rights in the very same divorce petition filed by the petitioner. Thereafter, the third respondent filed complaint under the Domestic Violence Act in D.V.C.No.19 of 2021 on the file of the Additional Mahila Court, Thanjavur, against the petitioner and his family members and it is pending for trial. In the Domestic Violence complaint, the third respondent alleged that mental cruelty and seeking permanent alimony of Rs.10 Lakh along with return of Shridhana properties and also seek relief to the reside in the petitioner's parents' house. While being so, she lodged complaint alleging that the petitioner and his family members demanded dowry even prior to the marriage and continued the same after the marriage.

3.Infact, the said complaint was enquired and closed and subsequently, she lodged private complaint before the Additional Mahila Court, Thanjavur in Cr.M.P.No.43 of 2020 in which by an order dated 21.01.2021, directed the second respondent to investigate and take an appropriate action on the complaint lodged by the third respondent under Section 156 (3) of the Criminal Procedure Code. On receipt of the direction, the second respondent registered the case in Crime No.3 of 2021 for the offences under Sections 498(A) and 506 (i) of IPC as against the petitioner and others. In pursuant to the said FIR, the impugned look out circular was issued against the petitioner. The petitioner was originally employed at USA and due to world wide recession, he had lost his job. While pending these cases, the petitioner has got an appointment at USA for a job offer. Therefore, the petitioner is about to report his duty in USA before 31.01.2022. While the petitioner is taking steps to proceed to USA, the impugned look out circular has been issued by the first respondent herein.

4.The learned Additional Public Prosecutor submitted that after registration of FIR in Crime No.43 of 2021, the second respondent completed investigation and filed final report. The same has been taken cognizance in C.C.No.3 of 2021 on the file of the Additional Mahila Court, Thanjavur and it is pending for trial. Further, the petitioner is very much available in India and only on apprehension the first respondent issued look out circular on the request while pending investigation. Now the entire investigation is completed and the same has been taken cognizance by the Trial Court.

5.In view of the above, the lookout circular culminated in R.C.No.C1/18678/2021, dated 16.09.2021, in connection with Crime No.3 of 2021, set aside, on condition that the petitioner shall



appear before the Trial Court in C.C.No.3 of 2021 on the file of the Additional Mahila Court, Thanjavur on all hearing without fail.

6.The Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of the order. Accordingly, the criminal original petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To:

- 1.The Preciding Officer,
Additional Mahila Court,
Thanjavur.
2. The Superintendent of Police,
Thanjavur District, Thanjavur.
3. The Inspector of Police,
All Women Police Station,
Vallam,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.KANAGARAJAN, Advocate (SR-6668[F] dated 17/02/2022)

+1 CC to M/s.K.S.SANKAR MURALI, Advocate (SR-6369[F] dated
16/02/2022)

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