



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5575 of 2022

Maheswaraperumal

...Petitioner/A1

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
(Crime No.8 of 2019)

2.The Assistant Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to re-call the lookout notice issued against the petitioner in connection with C.C.No.6 of 2021 (pending on the file of the learned Judicial Magistrate No.I) and consequently, return the passport of the petitioner in passport numbers in old passport No.T0491924 and new Passport No.S9497191.

For Petitioner : Mr.E.Marees Kumar

For R1 and R2 : Mr.B.Thanga Aravind
Government Advocate (Crl.Side)

ORDER

The criminal original petition has been filed seeking a direction to the direct the first respondent to recall the lookout notice issued as against the petitioner in C.C.No.6/2021, on the file of the learned Judicial Magistrate No.I and consequently, return the passport of the petitioner in passport numbers in old passport NO.T0491924 and new Passport No.S9497191.

2.The petitioner's wife had lodged a complaint alleging that on 06.11.2016, she got married with the petitioner and thereafter, the petitioner went to Dubai for his job in the month of January 2017. Since, the complainant was also taken to Dubai and



thereafter, due to misunderstanding between them, after returning India, his wife lodged a complaint on the allegation of cruelty and dowry demand. The said complaint was registered in Crime No.8 of 2019 for the offences under Sections 498(A) and 506(2) of IPC and under Section 4 of Dowry Prohibition Act, 1961 as against six accused persons, in which the petitioner is arrayed as the first accused. After completion of investigation, the first respondent had filed the final report and the same has been taken cognizance in C.C.No.6 of 2021. While pending the investigation, the petitioner failed to co-operate with the investigation and as such, the lookout circular was issued as against the petitioner, so as to prevent him from proceeding to abroad. Now, the entire investigation is completed, the final report has also been filed and the same taken cognizance for the offences under Section 498(A), 506(2) of IPC and Section 4 of Dowry Prohibition Act in C.C.No.6 of 2021, on the file of the learned Judicial Magistrate No.I, Sattur.

3.The learned Counsel appearing for the petitioner would submit that due to the lookout circular, he is not able to report for his duty in Dubai and the defacto complainant had filed a divorce petition in H.M.O.P.No.207 of 2019, on the file of the Sub Court, Sivakasi. Infact, the petitioner had also filed a divorce petition in H.M.O.P.No.123 of 2019 on the file of the Sub Court, Sivakasi. Both the divorce petitions were pending. After filing the divorce petition, the defacto complainant had lodged a complaint and the same has been registered in Crime No.08 of 2019 for the offences under Sections 498(A) and 506(2) of IPC and Section 4 of Dowry Prohibition Act.

4.The learned Government Advocate (Crl.Side) submitted that after taking cognizance for the offences under Sections 498(A) and 506(2) of IPC and the Section 4 of the Dowry Prohibition Act in C.C.No.6 of 2021 on the file of the learned Judicial Magistrate No.I, Sathur, the charges were framed as against the accused persons and the matter was posted for trial.

5.The purpose of the lookout circular has been met and it is relevant to rely upon the order passed in ***Crl.O.P.No.16924 of 2017, dated 13.11.2017 (Kathirava Moorthy Vs. The Inspector of Police***, as follows:

? '5.*There is nothing on record to show that the LOC was extended and even assuming that the LOC is extended, it is seen that pursuant to the LOC, when the petitioner had landed in India he was detained on the strength of the LOC and handed over to the Investigating Officer. The purpose of the LOC is for securing the accused who has absconded for the purpose of investigation. In the present case the purpose for which the LOC was issued has been met.*



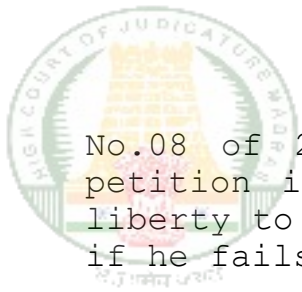
In view of the fact that the petitioner was detained and handed over to the Investigating officer and when the purpose is achieved it can be said that the LOC has abated.

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6. The above position is akin to situations where bailable or non-bailable warrants are issued. Once when the accused is secured on the strength of such warrants and produced before the Court, the warrant lapses, since the purpose for which it was issued had been served. Similar is the situation, in case of LOCs. If at all the presence of accused is required thereafter, it would give a fresh cause of action and hence a fresh LOC is required to secure the accused. I had an occasion to deal with a similar propositions in a judgement in S.Santhosh Kumar Vs The Superintendent of Police passed in WP.No.17873 of 2017 and Crl.OP.No.13774 of 2017 dated 31.08.2017. In the said order the following observations were made:-

"?In the decision relied on by the learned senior counsel for the petitioner in (Arockia Jeyabalan vs. The Regional Passport Officer, Mount Road, Chennai and others) 2014 4 Law Weekly 841 this Court had an occasion to consider that validity of the lookout circular. In that case, based on the look out notice issued by the respondents therein, the petitioner therein was arrested and remanded to judicial custody. Thereafter, the petitioner therein was released on bail. Therefore, it was held that the object of the Look out Circular is to ensure the presence of a person for interrogation, trial or inquiry and when the purpose of such circular is served by interrogating the person, thereafter, such circular is non-est in the eye of law. Even in this case, the petitioner was subjected to enquiry at length by the fourth respondent and therefore, keeping the look out notice in force is impermissible. In the light of the above, the writ petition is allowed. No costs. The respondents are directed not to prevent the petitioner from proceeding to London to continue her studies and the Look Out Circular issued by the second respondent need not be enforced against the petitioner.?"

6. In view of the above, the impugned lookout circular cannot be sustained as against the petitioner since already the purpose of issuance of the lookout circular has been met and now the petitioner is in the custody of the police. Therefore, the lookout circular in Crime



No.08 of 2019 is set aside. Accordingly, the criminal original petition is allowed. However, the first respondent is always at liberty to issue a fresh lookout circular as against the petitioner, if he fails to appear before the trial Court.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

lr

To

1.The Judicial Magistrate No.I,
Sathur.

2.The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.

3.The Assistant Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai International Airport,
Chennai.

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

+1 CC to M/s.E. MAREESKUMAR, Advocate (SR-17988[F] dated
12/04/2022)

Crl.O.P.(MD) No.5575 of 2022

11.04.2022

SB(CO)

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