



CrI.O.P.(MD) No.11140 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on 23.06.2022
Delivered on 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.11140 of 2022

Aswini

...Petitioner

Vs.

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

2.The Zonal Passport Officer,
Passport Office,
Thanjavur.

3.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

4.Senthil Anand

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to issue lookout notice against the first respondent/4th accused in Crime No.16 of 2022 for the punishable offences under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act by considering the petitioner's representation.



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For Petitioner : Mr.M.Ramu
For Respondents : Mr.M.Sureshkumar
Government Advocate (Crl. Side)
(for R1 to R3)

ORDER

This petitioner seeks a direction to the first respondent/Superintendent of Police, Thanjavur District to issue Look Out notice against the fourth respondent, who is the accused in the Crime No.16 of 2022, for the offences punishable under Section 498(A) IPC and Section 4 of the Dowry Prohibition Act.

2.The learned counsel appearing for the petitioner submitted that the petitioner married the fourth respondent on 25.03.2021 as per the rites and customs in the presence of their relatives at Muthumariamman Temple, Kasaankadu Village, Pattukkottai Taluk, Thanjavur District. The marriage was registered on 31.03.2021 before the Sub-Registrar, Madukoor. Due to Covid 19, they celebrated reception function on 28.08.2021. On the said date, the parents of the fourth respondent demanded more dowry. Though the petitioner's parents were unable to meet their demand, they agreed to give Rs.10,00,000/-. Even though the



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petitioner's father is ready to give Rs.5,00,000/- in the reception function, the fourth respondent and his parents refused to receive the same and scolded by abusing words in the presence of relatives. Due to the difference of opinion, the fourth respondent and his parents went away from the village and not take the petitioner to their home. Thereafter, there was no communication between them. After some period, when the petitioner approached the parents of the fourth respondent, she came to know that the fourth respondent went Canada without intimation to her. Therefore, the petitioner gave a complaint before the third respondent police, but no action has been taken by the respondent police. Hence, the petitioner filed the writ petition W.P(MD)No.6390 of 2022 to take necessary action on her complaint. This Court directed the respondent police to conduct enquiry. Based on which, an enquiry was conducted and the case was also registered. He further submitted that since the fourth respondent is in Canada, the respondent police are not secured him. Hence, the petitioner filed this present petition seeking a direction to the respondent police to issue Look Out Notice as against the fourth respondent.



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3.The learned Government Advocate (criminal side) appearing for the respondent police submitted that before registering the criminal case against the fourth respondent, he went Canada, hence, the investigation is pending.

4.I have considered the matter in the light of the submission of the learned counsels appearing on either side.

5.In the instant case, it is not in dispute that the petitioner married the fourth respondent on 25.03.2021. After the marriage, there was dispute between the petitioner and the fourth respondent's family. According to the petitioner, they demanded more dowry and fourth respondent/husband went Canada after marriage. Thereafter, the petitioner/wife gave complaint. Based on which, the case has been registered.

6.As per the Official Memorandum of the Ministry of Home Affairs, dated 27.10.2010, with regard to the issuance of the Look Out



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Circular (LOC) in respect of an Indian citizens and foreigners, recourse to Look Out Circular can be taken by the investigating agency in cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite NBWs and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest. But in the case on hand, before registering the complaint, the fourth respondent accused went Canada. If the fourth respondent committed any offence and if warranted, the first respondent Superintendent of Police has the power to secure the accused by issuing Look Out Notice. Under such circumstances, no case is made out by exercising the power under Section 482 Cr.P.C to direct the first respondent police to issue Look Out Notice against the fourth respondent. I find no merit in this criminal original petition.

7.In the result, this Criminal Original Petition is dismissed.

.0.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
skn

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- 3.The Inspector of Police,
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Pattukkottai,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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