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Crl.O.P.No.8951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8951 of 2023

P.Venugopal

...Petitioner

Vs.

1.The Inspector of Police,
Kammapuram
Cuddalore District.

2.The Assistant Director,
Bureau of Immigration (MHA),
Government of India,
Shastri Bhavan Annexe,
Haddows Road, Nungambakkam,
Chennai – 600 006.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. Praying to permit the petitioner to leave immediately for Croatia to resume his job and direct the respondents to withdraw the lookout circular in connection with the FIR No.170 of 2021, on the file of the Inspector of Police, Kammapuram Police Station, Cuddalore District, 1st respondent herein.

For Petitioner : Ms.Hema Sampath, Senior Counsel
for R.Meenal

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition is filed to permit the petitioner to leave immediately for Croatia to resume his job and direct the respondents to withdraw the lookout circular in connection with the FIR No.170 of 2021, on the file of the Inspector of Police, Kammapuram Police Station, Cuddalore District, 1st respondent herein.

2. Learned Senior Counsel appearing for the petitioner submitted that, petitioner along with his parents and 2nd wife namely Geetha are shown as accused in Crime No.170 of 2021 registered for the offences under Sections 447, 294(b), 323, 506(i) of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. It is the further submission of the learned Senior Counsel appearing for the petitioner that, on the date of the alleged incident (i.e.,) on 07.07.2021, petitioner was not in India, but he was in Croatia. Petitioner is working in DW Resuables Hum in Croatia. He has to return to his workplace not later than 05.05.2023. At the request of the 1st respondent, 2nd respondent issued a Lookout Circular. Therefore, petitioner is not able to travel to Croatia. Thus, this petition is filed by the petitioner to permit him to leave immediately for Croatia to resume his job and direct the respondents to withdraw the lookout circular in connection with the FIR



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No.170 of 2021, on the file of the Inspector of Police, Kammapuram Police Station, Cuddalore District, 1st respondent.

3. Learned Government Advocate (Criminal side) submitted that, the allegations against the petitioner is that, petitioner continuously harassed the defacto complainant and thereafter, married the 4th accused, when his marriage with the defacto complainant is subsisting. If Lookout Circular is withdrawn, there is no guarantee that, petitioner would participate in the trial. He further submitted that, investigation in this case is pending.

4. Mr.M.Selvam, learned counsel appearing for the defacto complainant submitted that, defacto complainant is not shown as respondent in this case and strongly opposed this petition. He further submitted that he wants time to get instructions.

5. Considered the rival submissions and perused the records.

6. The Lookout Circular was issued, for the reason that, First Information Report in Crime No.170 of 2021 was registered against petitioner and other accused. The reading of the First Information Report shows that, the marriage between petitioner and defacto complainant had taken place on 11.12.2009. Thereafter, defacto complainant alleges that, petitioner had



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harassed the defacto complainant both physically and mentally including sexual harassment. Therefore, defacto complainant is living with her daughter, aged 10 years at Sha Village (Ko.Aadhanur). The harassment of the petitioner still continuous. On 07.07.2021, at about 10.00 am, defacto complainant's father-in-law Paramasivam and mother-in-law Neelavathi entered into the house of the defacto complainant, scolded her in filthy language and demanded divorce. At that time, petitioner's 2nd wife Geetha scolded the defacto complainant in filthy language and threatened her to give divorce. All the three made death threat and assaulted her. Therefore, defacto complainant gave a complaint to the 1st respondent.

7. From the complaint allegations, it is clear that on 07.07.2021, petitioner was not at the scene of occurrence. The copy of the passport is also produced to show that, he was not in India on the date of incident. The investigation in this case is still pending. *Prima facie* the issue in this case appears to be a matrimonial dispute between the petitioner/1st accused on the one side and the defacto complainant on the other side. Though the First



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Information Report was registered on 13.07.2021, the 1st respondent police has not filed the final report, despite completion of more than one year, nine months. In a case arose out of matrimonial issue, keeping the Lookout Circular for a long time is not appropriate, especially jeopardizing the professional interest of the petitioner/1st accused.

8. In this view of the matter, this petition is disposed of, with a direction to the respondents to withdraw the Look out Circular for a period of one year. Thereafter, petitioner must return to India to face the trial and make arrangements for facing the trial. If the petitioner fails to return to India, to face the trial, it is open to the respondents to issue fresh Lookout circular against the petitioner.

9. With the above directions, this Criminal Original Petition is disposed of.

28.04.2023

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Internet :Yes

Index :Yes/No

Note: Issue order copy on 28.04.2023.



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G.CHANDRASEKHARAN, J.
gd

To:

- 1.The Inspector of Police,
Kammapuram
Cuddalore District.
- 2.The Assistant Director,
Bureau of Immigration (MHA),
Government of India,
Shastri Bhavan Annexe,
Haddows Road, Nungambakkam,
Chennai – 600 006.
- 3.The Public Prosecutor,
High Court of Madras.

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