



Crl.O.P.(MD)No.5194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.5194 of 2024

L.Rilda

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil

2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District

3.The Regional Passport Officer,
Regional Passport Office,
Water Tank Building,
West Bouliward Road,
Tiruchirappalli – 620 008

4.Hubert Aarish

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Respondents 1 to 3 to issue the Look Out Circular as against the 4th Respondent (Passport No.E4997403)/Accused No.1 in the case in C.C.No.262 of 2018 on the file of the Additional Mahila



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Court (Magisterial Level), Nagercoil, Kanyakumari District on the basis of the petitioner's representation dated 06.03.2024.

For Petitioner : Mr.B.Anandan

For R1& R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R3 : Mr.S.Jeyasingh
Senior Panel Counsel for
Government of India

ORDER

The petitioner/de-facto complainant has lodged a complaint, and a case in Crime No.8 of 2014 has been registered against the accused. On completion of investigation, a charge sheet has been filed for the offence under Sections 498(A), 406 and 120(B) of IPC read with Sections 3, 4 and 6 of Dowry Prohibition Act against the accused persons.

2. In this case, A1 is in abroad. Though, in this case, the charge sheet was approved on 29.03.2016 and the same was filed before the trial Court and taken on file in C.C.No.262 of 2018, till date, summons could not be served to A1. A2 and A3 are appearing before the trial Court for non completion of service. The trial, in this case, is getting stalled from the year 2018, and for the past six years, there is no progress in the trial.



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3. The learned Additional Public Prosecutor submitted that on registration of the case, investigation has been completed and charge sheet has been filed and thereafter, the Court has issued summons and these summons have been served to A2 and A3. With regard to A1, the police is taking all the steps to serve summons to him. He, further, submitted that the prayer of the petitioner is to issue Look Out Circular (LOC) as against A1 in Passport No.E4997403. The Superintendent of Police cannot issue such a request on his own. It is only on the direction of the concerned Court, such request can be made in a case where the charge sheet has been filed. The Superintendent of Police can issue LOC only in the cases where the investigation is pending.

4. The specific contention of the petitioner is that A1 has been frequently visiting India and living back abroad for his employment, and he is very much aware about the case and is evading the service of summons which seems to be reasonable.

5. In view of the above, the petitioner is directed to file a memo giving all the available details about A1, namely Hubert Aarish, S/o.



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Maria Hilbert, North Pudukadu, Kappukadu, Kunnathur Post, Marthandam, Vilavancode Taluk, Kanyakumari District, along with the Passport No.E4997403, before the trial Court and the trial Court is directed to issue an appropriate direction to the Superintendent of Police, Kanyakumari or to the Immigration authorities to issue a LOC and to secure the petitioner and to proceed with the trial.

6. With the above direction, this Criminal Original Petition is disposed of.

18.12.2024

NCC : Yes / No
Index : Yes / No
mkn

To

- 1.The Additional Mahila Court (Magisterial Level),
Nagercoil, Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.



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- 3.The Inspector of Police,
All Women Police Station,
Nagercoil,
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- 4.The Regional Passport Officer,
Regional Passport Office,
Water Tank Building,
West Bouliward Road,
Tiruchirappalli – 620 008
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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