



W.P.(MD) No.9635 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.9635 of 2024

J.Jeyalakshmi

... Petitioner

Vs.

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Superintendent of Police,
K.Pudhur,
Madurai.
- 3.The Inspector of Police,
AWPS South Police Station,
Madurai City,
Madurai.
- 4.The Regional Passport Officer,
Regional Passport Office,
Corporation Shopping Complex,
1st Floor, Avinashi Road,
Opposite Thandumariamman Kovil,
ATT Colony, Gopalapuram,
Coimbatore 641 018.



W.P.(MD) No.9635 of 2024

WEB COPY

5.Srinivasan

6.Geetha

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to issue the requisition letter for issuance of look out circular against the 5th and 6th respondents in pending C.C.No.328 of 2016, on the file of learned Judicial Magistrate, Additional Mahila Court, Madurai by considering the representation of petitioner dated 07.03.2024.

For Petitioner : Mr.G.Aravinthan

For R1 to R3 : Mr.Albert James
Government Advocate (Crl.side)

For R4 : Mr.VS.Karthi
CGSC

For R5 : Mr.M.S.Parthiban

ORDER

Heard both sides.

2.The writ petitioner got married to the fifth respondent on 30.03.2012 at Srirama Krishna Marriage Hall, Avarappalayam Road,



W.P.(MD) No.9635 of 2024

WEB COPY

Coimbatore. The marriage was registered as Sl.No.87 of 2012 with the Sub Registrar Office, Ganapathy, Coimbatore, on 02.04.2012. A male child, Dhanvir, was born on 07.03.2013. The marital relationship between the petitioner and the fifth respondent came under strain. The fifth respondent instituted divorce proceedings before the Hamilton County Indiana in Case No.29D02/1507 DR 006029. An *ex parte* divorce decree was granted on 16.09.2015.

3.The fifth respondent is presently in USA. The petitioner came back to India. The petitioner has instituted HMOP.No.74 of 2024 on the file of the Family Court, Madurai, seeking dissolution of the marriage. She also instituted criminal prosecution against her husband and her in-laws. Since the presence of the fifth respondent could not be secured, a Look Out Circular came to be issued. In this background, the present writ petition came to be filed.

4.I requested the parties concerned to give a quietus to the whole issue. I am happy to record that the steps taken by the learned counsel on



W.P.(MD) No.9635 of 2024

WEB COPY

either side have borne fruit. A joint compromise memo has also been filed. Since the fifth respondent is presently abroad, on his behalf, his father has signed in the capacity as power agent. I also had an interaction with the fifth respondent through Whatsapp video call. The sixth respondent is none other than the sister of the fifth respondent.

5.I am, therefore, of the view that this Writ Petition can be disposed of in terms of the aforesaid joint compromise memo dated 29.07.2024. The joint compromise memo shall form part of this order.

6.Accordingly, this Writ Petition is disposed of in the following terms:

i) The fifth respondent shall deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) in S.B.A/c.No.329601000005890 maintained with Indian Overseas Bank, Palanganatham Branch, Madurai. The said amount shall lie in the Fixed Deposit for a period of 7 years from the date of deposit. Thereafter, it is open to the account holder to withdraw the amount.



W.P.(MD) No.9635 of 2024

WEB COPY

Till then, the petitioner herein can withdraw the accrued interest once in three months;

ii) On such deposit, C.C.No.328 of 2016 and CC.No.1053 of 2024 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, shall stand quashed;

iii) The petitioner herein informs this Court that she is accepting the decree of divorce dated 16.09.2015 granted by the Foreign Court. HMOP.No.74 of 2024 will stand disposed of by recording the foreign divorce decree dated 16.09.2015. In view of the same, it is declared that the marriage between the petitioner and the fifth respondent that was solemnized on 30.03.2012 at Srirama Krishna Marriage Hall, Avarappalayam Road, Coimbatore, and registered as Sl.No.87 of 2012 dated 02.04.2012 with the Sub Registrar, Ganapathy, Coimbatore, stands dissolved;

iv) The fifth respondent will have visitation rights as agreed in the compromise memo. Since all the outstanding issues between the parties have been resolved, the Look Out Circular issued against the respondents 5



W.P.(MD) No.9635 of 2024

WEB COPY

and 6 shall stand quashed and the respondents 5 and 6 are at liberty to leave and come back to India;

v) The petitioner undertakes to send an e-mail to the employer of the sixth respondent withdrawing her earlier complaint. The petitioner shall extend her fullest co-operation for withdrawing all the legal proceedings instituted by her. The settlement arrived at between the parties is full and final settlement of all the claims, which the petitioner claims as against her husband and her in-laws; and

vi) The fifth respondent has filed I.A.No.1 of 2023 in unnumbered GWOP in GWOP.No..... of 2023 before the Family Court, Madurai. The said proceedings stands quashed.

No costs.

29.07.2024

NCC :No
Internet :Yes
Index :No

mm

Page 6 of 8



W.P.(MD) No.9635 of 2024

WEB COPY To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Superintendent of Police,
K.Pudhur,
Madurai.
- 3.The Inspector of Police,
AWPS South Police Station,
Madurai City,
Madurai.



WEB COPY



W.P.(MD) No.9635 of 2024

G.R.SWAMINATHAN, J.

mm

W.P.(MD)No.9635 of 2024

29.07.2024