



W.P.(MD)No.13903 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.13903 of 2024

1. Azhaguselvi
2. Vetriselvan

... Petitioners

Vs

- 1.The Superintendent of Police,
Thanjavur District.
- 2.The State Represented by
The Inspector of Police,
Pattukottai All Women Police Station,
Thanjavur District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents for withdrawal of Look Out Circular No.25022120/98 dated 01.07.2022 Crime No.23 of 2022 on the file of 2nd respondent by considering the petitioners representation through mail dated 03.06.2024 within a stipulated time frame fixed by this Court.

For Petitioners : Mr.Aayirram K.Selvakumar

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor



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ORDER

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The petitioners/the accused 3 & 4 in Crime No.23 of 2022 are the sister-in-law and brother-in-law of the defacto complainant and they are also added as accused in the above case.

2.According to the petitioners, they are residing in abroad and no way connected with the matrimonial dispute between the defacto complainant and her husband. After knowing that the case has been registered as against the petitioners, they have filed an application seeking anticipatory bail and obtained an order in CrI.OP(MD0 No. 8019 of 2024, dated 29.05.2024. However, they could not furnish the sureties due to the look out circular issued by the Superintendent of Police.

3.It is very unfortunate that the Superintendent of Police, who is having the power to issue look out circular, has issued the same in matrimonial disputes also. It is clear abuse of process of law. It is to be noted that the petitioners have also obtained an order for anticipatory bail. This Court is of the view that the look out circular, which is issued by the Superintendent of Police would certainly prevent the petitioner from visiting India and to appear before the trial Court.



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4. In view of the above, this writ petition is allowed. The impugned look out circular issued by the first respondent in Look Out Circular No.25022120/98 dated 01.07.2022 is hereby quashed. The petitioners shall appear before the concerned Judicial Magistrate Court within a period of fifteen days from the date of receipt of a copy of this order. The petitioners shall furnish the sureties to the concerned Judicial Magistrate Court with an undertaking that they will co-operate for the trial. The petitioners shall leave India only after obtaining proper permission from the concerned trial Court, after ensuring that they will be available for the trial. No costs.

28.06.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

vrn

To

1. The Superintendent of Police, Thanjavur District.

2. The Inspector of Police,
Pattukottai All Women Police Station,
Thanjavur District.

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

Note: Mark a copy of this order to
The Judicial Magistrate Court, Pattukottai.



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B.PUGALENDHI,J

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Order made in
W.P.(MD)No.13903 of 2024

28.06.2024