



W.P.(MD)No.13930 of 2024

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.13930 of 2024 and
WMP(MD) No.12271 & 12272 of 2024

Murugesan

... Petitioner

Vs

- 1.The Chief Immigration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhawan,
Chennai.
- 2.The Assistant Director / SIG,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Level-V Sector-I.R.K.Puram,
New Delhi 110066.
- 3.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai.



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4.The Superintendent of Police,
Tenkasi District,
Tenkasi.

5.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

6.Kalayarasi

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned look out circular bearing C.No.D2/07/DCRB/TANKASI/2024 dated 12.03.2024 (LOC No. 2024408310) issued by the 4th respondent and quash the same as illegal.

For Petitioner : Mr.A.Balaji
For R4 & R5 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner is the accused in Crime No.81 of 2024, which was filed based on the complaint given by the petitioner's wife for the alleged offence punishable under Section 294(b), 323 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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2. According to the petitioner, due to matrimonial dispute, the petitioner's wife has lodged a complainant as against the petitioner. He is not aware of the registration of above case. He is working in abroad. On 22.04.2024, the petitioner and his senior came to Bangalore for official purpose. At that time, the petitioner was arrested by the Immigration officer at Bangalore Airport, based on a Look Out circular issued by the fourth respondent. Subsequently, the petitioner has moved an application, seeking bail and he was also released on bail by the learned Judicial Magistrate, Alangulam in Cr.MP.No.377 of 2024, dated 25.04.2024 with a condition to appear before the fourth respondent daily at 10.00 a.m. After complying with the above condition for a considerable period, the condition imposed on the petitioner was also relaxed. Now the petitioner is not in a position to return back to his job.

3. The learned counsel for the petitioner submits that no charge sheet has been filed so far. The petitioner is ready to co-operate for the investigation. Therefore, he seeks to quash the Look out circular issued as against the petitioner.



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4.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. Due to issuance of look out circular, the petitioner was arrested and subsequently released on bail by the learned Magistrate. Now, the petitioner requests to quash the look out circular, as he has to return to his duty at Oman.

5.In view of the above, this writ petition is allowed. The impugned look out circular issued by the fourth respondent in C.No.D2/07/DCRB/TANKASI/2024 dated 12.03.2024 (LOC No. 2024408310) is hereby quashed. The petitioner 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 petitioner shall furnish the sureties to the concerned Judicial Magistrate Court with an undertaking that he will co-operate for the trial. The petitioner shall leave India only after obtaining proper permission from the concerned trial Court, after ensuring that he will be available for the trial. No costs. Consequently,



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connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet: Yes

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Madurai Bench of Madras High Court,
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