



W.P.(MD)No.13949 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.13949 of 2024 and
WMP(MD) No.12234 & 12236 of 2024

Vijayakumar

... Petitioner

Vs

1.The Bureau of Immigration,
Rep by its Assistant Director
(Immigration),
East Block - Viii, R.K.Puram,
Sector - I, New Delhi.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

3.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, calling for the records in pursuant to the impugned Look out circular issued by the 1st respondent



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in RC.No.C1/38196/2019 (LOC Suspect No.1949908) dated 27.12.2019 on the basis of recommendation made by the 2nd and 3rd respondent police and quash the same as illegal.

For Petitioners : Mr.B.Anandan
For R2 & R3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner is the accused in Crime No.12 of 2019, which was filed based on the complaint given by the petitioner's wife for the alleged offence punishable under Section 498(A), 294(b), 406 and 506(i) of IPC.

2.According to the petitioner, due to matrimonial dispute, the petitioner's wife has lodged a complainant as against the petitioner, his brother and brother's wife. Now, on the recommendation made by the second and third respondents, the first respondent has issued a Look Out Circular in RC No.C1/38196/2019 (LOC Suspect No.1949908), dated 27.12.2019.



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3.The learned counsel for the petitioner submits that the petitioner and his wife are trying to reconcile the issue between them. The petitioner undertakes to co-operate for the investigation. Therefore, he seeks to quash the Look out circular issued as against the petitioner.

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. 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.

5.In view of the above, this writ petition is allowed. The impugned look out circular issued by the first respondent in RC.No.C1/38196/2019 (LOC Suspect No.1949908) dated 27.12.2019 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



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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, connected Miscellaneous Petitions are closed.

28.06.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn

To

- 1.The Bureau of Immigration,
Rep by its Assistant Director
(Immigration),
East Block - Viii, R.K.Puram,
Sector - I, New Delhi.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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