



W.P.(MD)No.21192 of 2023 and
Crl.O.P.(MD)No.20186 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 23.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21192 of 2023
and Crl.O.P.(MD)No.20186 of 2022
and Crl.M.P.(MD)No.13971 of 2022
and W.M.P.(MD)Nos.17601 and 17602 of 2023
W.P.(MD)No.21192 of 2023

M.Karnan

... Petitioner

versus

1. The Secretary,
Ministry of Home Affairs,
Government of India,
South Block,
New Delhi – 110 001.
2. The Foreigner Regional Registration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
No.28, Haddows Raod,
Chennai – 600 006.
3. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.



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4. The Deputy Superintendent of Police,
Rameshwaram,
Ramanathapuram District.

5. The Inspector of Police,
All Women Police Station,
Rameswaram,
Ramanathapuram District.

6. Anushya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Look Out Circular dated 22.09.2022 issued by the 2nd respondent and quash the same with a consequential direction directing the respondents 1 to 5 to restrain from preventing the petitioner for detaining and arresting him in any immigration (entry or exist) point in India and travelling abroad and interfering with the freedom of movement within or outside India.

For Petitioner : M/s.Lakshmi Gopinathan

For R1 and R2 : Mr.K.Govinda Rajan
Deputy Solicitor General

For R3 to R5 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R6 : M/s.C.R.Ponnuthai



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1. Karnan
2. Anna Lakshmi
3. Rakkumuthu

... Petitioners

versus

1. The State represented by
The Inspector of Police,
All Women Police Station,
Rameswaram,
Ramanathapuram District.

2. Anushya

... Respondents

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pursuant to the proceedings in the impugned FIR in Cr.No.3 of 2022 dated 19.05.2022 on the file of the 1st respondent for the alleged offences under Section 498A IPC and Section 4 of the Dowry Prohibition Act 1961 and Section 4 of the TNPWH Act 2022 and quash the same.

For Petitioner : M/s.Lakshmi Gopinathan
For R1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor
For R2 : M/s.C.R.Ponnuthai



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COMMON ORDER

The petitioners in Crl.O.P.(MD)No.20186 of 2022 are husband, sister-in-law and mother-in-law of the defacto complainant. The husband of the defacto complainant is working as a Software Engineer in America. Due to a matrimonial dispute, the defacto complainant has lodged a complaint against the petitioners, which was registered as Crime No.3 of 2022 for the offences under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 and Section 4 of TNPWH Act 2002. Therefore, the petitioners have filed this Criminal Original Petition seeking to quash the FIR in Crime No.3 of 2022 registered against them.

2. When this petition came up for hearing on 24.11.2022, this Court ordered notice to the defacto complainant and directed the first respondent to proceed with the investigation in the light of the guidelines issued in the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh***, reported in (2014) 2



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SCC 1 and not to file the final report, till the disposal of the Criminal Original Petition.

3. While so, the Foreigner Regional Registration Officer, Bureau of Immigration, Ministry of Home Affairs, Government of India, No.28, Haddows Raod, Chennai – 600 006 has issued a Look Out Circular dated 22.09.2022 as against the husband of the defacto complainant. Challenging the same, he has filed a writ petition in W.P.(MD)No.21192 of 2023.

4. Since both the petitions are pertaining to the case in Crime No.3 of 2022, they are taken up together and disposed of by way of a common order.

5. On 31.08.2023, when this writ petition was taken up for hearing, the learned counsel for the petitioner/husband requested for some time, so that she will get instructions as to on what date, the



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petitioner intends to come to India, so that the petitioner can request to relax the Look Out Circular for a limited period enabling him to get in India and appear in all connected proceedings of the criminal case in respect of which Look Out Circular was issued. However, the learned counsel for the petitioner has not informed about the date of arrival of the petitioner in India, as suggested before this Court on 31.08.2023. Thereafter, when the case was listed before this Court on 08.01.2024, this Court suggested the learned counsel for the petitioner to get an undertaking affidavit from the petitioner/husband by mentioning the date on which he would appear before the trial Court, so that, interim protection would be provided to him from the Look Out Circular.

6. Today, the learned counsel for the petitioner/husband has filed a memo as under:

“The petitioner is working in U.S. and he could not file an affidavit and on instruction from the petitioner, the present



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memo is filed.

The petitioner is apprehending at the attitude of the Respondent/Wife and he is hesitant to come down to India to face the false criminal cases. Even after the legal advice given to the petitioner, he is not willing to come down to India while criminal cases and Look Out Circular are pending against him. The Petitioner is willing to appear through Video Conference for any kind of settlement or Mediation.”

7. The learned Additional Public Prosecutor submits that the husband of the defacto complainant is evading the proceedings and he is also not co-operating for the investigation.

8. The learned counsel for the defacto complainant submits that the husband of the defacto complainant is also evading the proceedings of Maintenance Case, filed before the Judicial Magistrate, Thiruvadanai, in M.C.No.11 of 2022.



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9. The learned Additional Public Prosecutor further submits that the learned Judicial Magistrate, Thiruvadanai, has directed the petitioner/husband to appear through video conference. Even thereafter, that the petitioner has not appeared before the trial Court.

10. This Court has considered the rival submissions made.

11. The petitioner/husband is an accused in Crime No.3 of 2022 and he is also a respondent in M.C.No.11 of 2022 which is pending on the file of the learned Judicial Magistrate, Thiruvadanai. The defacto complainant/wife has lodged a complaint as against her husband and in-laws for dowry harassment on 19.05.2022 and the same has been registered in Crime No.3 of 2022 for the offence under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 and Section 4 of TNPWH Act 2002. Therefore, they have filed Crl.O.P.(MD)No.20186 of 2022 to quash the FIR in Crime No.



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12. The grounds raised by the petitioners in support of the petition in Crl.O.P.(MD)No.20186 of 2022 are the matters to be decided during the course of investigation. Therefore, this Court is not inclined to entertain the petition in Crl.O.P.(MD)No.20186 of 2022. Accordingly, Crl.O.P.(MD)No.20186 of 2022 is dismissed with a direction to the respondent Police to conclude the investigation within a period of eight weeks from the date of receipt of a copy of this order.

13. Further, considering the attitude of the petitioner in stalling the proceedings before the Judicial Magistrate, Thiruvadanai, in M.C.No.11 of 2012, this Court is not inclined to entertain the writ petition in W.P.(MD)No.21192 of 2023. Accordingly, W.P.(MD)No.21192 of 2023 is also dismissed. The learned Judicial Magistrate, Thiruvadanai, is directed to conclude the proceedings in



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M.C.No.11 of 2022, within a period of eight weeks from the date of receipt of a copy of this order. The defacto complainant is also at liberty to file a necessary application for execution of warrant issued against the petitioner/husband. The respondent Police shall take necessary steps to secure the petitioner/husband from abroad by taking action through the Embassy. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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To

1. The Judicial Magistrate,
Thiruvadanai.
2. The Secretary,
Ministry of Home Affairs,
Government of India,
South Block, New Delhi – 110 001.
3. The Foreigner Regional Registration Officer,
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Ministry of Home Affairs,
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All Women Police Station,
Rameswaram,
Ramanathapuram District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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B.PUGALENDHI, J.

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