



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 3301 of 2024
and
W.M.P.No.3560 of 2024
and
CRL.O.P.No.3140 of 2024

W.P.No.3301 of 2024

Jayakumar

Petitioner(s)

Vs

1. The Chief Immigration Officer,
Trichy International Airport,
Tiruchy District.

2.The Superintendent of Police,
O/o The Superintendent of Police,
Coimbatore District

3.The Inspector of Police
O/o The Inspector of Police,
All Women Police Station, Pollachi,
Coimbatore District.

4. M.Suganthi

R4 suo motu impleaded as per order
dated 14.02.2024 in W.P.No.3301 of
2024.

.... Respondents



Crl.O.P.No.3140 of 2024

M.Suganthi

.... Petitioner

Vs.

1. Jayakumar
2. State represented through
The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent Nos.2 and 3 to withdraw or cancel the lookout circular issued against the petitioner forthwith by considering the petitioner's representation dated 30.01.2024.

Criminal Original Petition filed under Section 439(1)(b) of Criminal Procedure Code, praying this Court to modify the condition imposed in C.M.P.No.668 of 2024 by order dated 23.01.2024 in C.C.No.232 of 2020 on the file of the Judicial Magistrate No.1, Pollachi and to direct the 1st respondent/accused herein to surrender his passport before Judicial Magistrate No.1, Pollachi pending disposal of C.C.No.232 of 2020.

Appearance of Counsel in W.P.No.3301 of 2024

For Petitioner(s): Mr.S.M.A.Jinnah

For Respondent(s): K.M.D.Muhilan,
Government Advocate (Criminal
Side) for R1 to R3
Mr.M.Santhanaraman (For R4)

Appearance of Counsel in Crl.O.P.No.3140 of 2024

For Petitioner: Mr.M.Santhanaraman
For R1 : Mr.S.M.A.Jinnah
For R2 : Mr.K.M.D.Muhilan,
Government Advocate (Criminal Side)



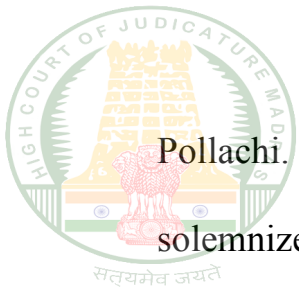
COMMON ORDER

WEB COPY W.P.No.3301 of 2024 has been filed for issuance of a writ of mandamus to direct the Respondents 2 and 3 to withdraw or cancel the lookout circular issued against the petitioner forthwith by considering the petitioner's representation dated 30.01.2024.

2. Crl.O.P.No.3140 of 2024 has been filed to modify the condition imposed in C.M.P.No.668 of 2024 by order dated 23.01.2024 in C.C.No.232 of 2020 on the file of the Judicial Magistrate No.1, Pollachi and to direct the 1st respondent/accused herein to surrender his passport before Judicial Magistrate No.1, Pollachi pending disposal of C.C.No.232 of 2020.

3. Since, the parties to the proceedings are one and the same as also the prayers are interlinked with each other, the writ petition and the criminal original petition are heard together and disposed of by this common order. For the sake of convenience, parties are referred to as per the rank in Writ Petition.

4. The case of the prosecution is that the petitioner namely Jayakumar, who is the husband of the 4th respondent/Suganthi was arrayed as sole accused in C.C.No.232 of 2020 pending on the file of learned Judicial Magistrate I,



Pollachi. The marriage between the petitioner and the 4th respondent was solemnized on 07.04.2008. At the time of marriage, the petitioner was working

at Singapore and his wife was working at Sydney, Australia and subsequently, the petitioner was shifted to Sydney, Australia and working there. Out of wedlock, they have blessed with one male child. Due to some misunderstanding and on the inducement of his father in law, some dispute arose between them at Australia and the petitioner's wife along with her son came to India. Thereafter, the 4th respondent/wife lodged a complaint in Crime No.18 of 2019 for the offence under Sections 406 & 498 of IPC r/w. Section 4 of the Dowry Prohibition Act and thereafter, the petitioner came to India. The 3rd respondent has taken cognizance of the said complaint in C.C.No.232 of 2020 and it is pending on the file of learned Judicial Magistrate No.I, Pollachi. The petitioner was in abroad and since the petitioner failed to appear before the trial Court and a Non Bailable Warrant was issued and the petitioner was arrested on 22.01.2024 at Madurai and produced before the learned Judicial Magistrate No.I, Pollachi, and released on bail. Now a lookout circular was issued against the petitioner, stating that the petitioner at any time may leave India and it would obstruct the entire trial proceedings.

5. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the entire investigation has been completed. Therefore, no

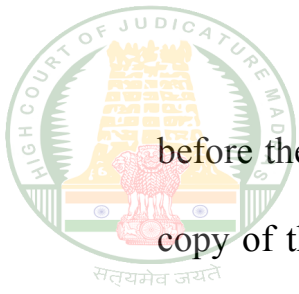


purpose would be served to cancel or withdraw the Look Out Circular. Further, he submitted that the petitioner was granted bail without any condition, which

is also challenged in Crl.O.P.No.3140 of 2024 by the 4th respondent to modify the condition to the effect that the petitioner shall surrender his passport before the learned Judicial Magistrate No.1, Pollachi.

6. Heard both sides and perused the materials available on record.

7. From perusal of the records, it appears that after the issuance of Look Out Circular (LOC), the petitioner had submitted its representation on 30.01.2024 before the 2nd respondent, seeking to cancel the LOC issued against the petitioner. The said representation has not yet been considered till date. Taking into consideration the ground that the petitioner has raised that the act of the respondents violated the Article 21 of fundamental rights of Indian Constitution, and that the respondents failed to follow the dictum laid down by the Hon'ble Apex Court in *Menaka Gandhi Vs. Union of India*, which is **reported in AIR1978 SCC 597** and the fact that the charge sheet has already been filed and the case is ripe for trial. This Court is of the view that the LOC issued against the petitioner is liable to be withdrawn with condition. Accordingly, the Look Out Circular issued against the petitioner is hereby withdrawn on condition that the petitioner shall surrender his Indian Passport



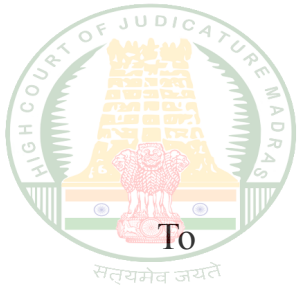
before the trial Court, within a period of 4 weeks from the date of receipt of a copy of this order. It is made clear that if the petitioner wants to visit abroad,

the petitioner may seek permission before the trial Court as well as the 3rd respondent by producing necessary undertaking affidavit. On receipt of the same, the trial Court as well as the third respondent are directed to consider the request on merits and in accordance with law and issue an order, specifying the name of the destination country, the date of departure and return and the address of the petitioner's stay at abroad along with other relevant details. The trial Court is directed to complete the trial of C.C.No.232 of 2020 pending on the file of learned Judicial Magistrate I, Pollachi, within a period of six (6) months from the date of receipt of a copy of this order.

8. With the above observation and direction, these petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

26-02-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
jd



To

1. The Learned Judicial Magistrate No.I,
Pollachi.

2. The Chief Immigration Officer,
Trichy International Airport,
Tiruchy District.

3.The Superintendent of Police,
O/o The Superintendent of Police,
Coimbatore District

4.The Inspector of Police
O/o. The Inspector of Police,
All Women Police Station, Pollachi,
Coimbatore District.

5. The Public Prosecutor,
Madras High Court,
Chennai.



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WP No.3301 of 2024 & CRL.O.P.No.3140 of 2024



G.K. ILANTHIRAIYAN,J.,
jd

WP No. 3301 of 2024
and
CRL.O.P.No.3140 of 2024

26.02.2025