



W.P.(MD)No.1138 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.1138 of 2025

S.Thangayesubaran

.. Petitioner

Vs

1. The Superintendent of Police
Kanniyakumari District

2. The Inspector of Police
District Crime Branch
Kannayakumari District

3.Radhakrishnan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take necessary steps to issue lookout Notice against the accused No.1, in the CC.No. 436 of 2023, on the file of learned judicial Magistrate No.1, Nagarcoil, within stipulated time may be fixed by this Court, based on the petitioners representation dated 23-11-2024



WEB COPY



W.P.(MD)No.1138 of 2025

For Petitioner : Mr.S.Suresh Kumar
For Respondents : Mr.A.Thiruvadikumar
No.1 and 2 Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to take necessary steps to issue lookout Notice against the accused No.1, in the CC.No. 436 of 2023, on the file of learned judicial Magistrate No. 1, Nagarcoil, within the time fixed by this Court, based on the petitioner's representation dated 23.11.2024.

2. The contention of the petitioner is that the petitioner is the owner of lorry and JCB and used to hire vehicles and make arrangement by hire charges. One Radhakrishnan had taken away the petitioner's vehicle and misappropriated and cheated the petitioner to the tune of Rs.6,80,000/- Hence he had lodged a complaint . During investigation the accused was not arrested and the vehicle was not secured and seized. Now investigation has been completed and absconding charge sheet has been filed in C.C. No. 436 of 2023 before the learned Judicial Magistrate No.I, Nagercoil against Radhakrishnan, Ramadhas, Santhiya and Alexsander for the offences under Sections



W.P.(MD)No.1138 of 2025

WEB COPY

406,420 and 120(B) of IPC. Except for Radhakrishnan other accused have been shown as absconding accused. Further it is seen that A1 has now left India and hence seeks the police to issue Look Out Circular against A1.

3. The learned Additional Public Prosecutor submitted that in this case after registration of the case in Crime No.9 of 2022 the respondent police completed investigation and final absconding charge sheet against four persons and the same was taken on file in C.C. C.C. No. 436 of 2023 by the learned Judicial Magistrate No.I, Nagercoil . Further A1 had obtained bail and the other accused were shown as absconding accused. Now the respondent police is taking steps to obtain warrant against the absconding accused and taking steps to execute the same. With regard to the issuance of Look Out Circular against A1, since investigation has been completed it is for the Court to issue such notice and thereafter appropriate action would be taken.

4. In view of the same, this Court directs the trial Court to take appropriate steps and coercive action against the absconding accused. In



W.P.(MD)No.1138 of 2025

WEB COPY

the event of finding A1 is absconding proper direction may be issued to the Immigration authorities through the concerned Superintendent of Police to issue Look Out Circular.

5. With the above direction the Writ Petition stands disposed of.

No costs.

20.01.2025

Index: Yes/No

Internet : Yes/No

aav

To

1. The Superintendent of Police
Kanniyakumari District
2. The Inspector of Police
District Crime Branch
Kannayakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P.(MD)No.1138 of 2025

M.NIRMAL KUMAR, J.

aav

W.P.(MD)No.1138 of 2025

20.01.2025