



CNR: KAHC010415342026

NC: 2026:KHC:50294
WP No. 18975 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 18975 OF 2026 (GM-POLICE)

BETWEEN:

1. MR AJMAL SHAIK
S/O SHAIK AHMED,
AGED ABOUT 45 YEARS,
R/O FLAT NO. 402, 4TH FLOOR,
A J MUHEERA ENCLAVE, NO. 49,
1ST CROSS, LINGARAJAPURA,
BENGALURU 500 084

...PETITIONER

(BY SRI. JATINDAR SINGH, ADVOCATE FOR
SRI. SATHIES KUMAR S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
STATION HOUSE OFFICER
GOVINDAPURA POLICE STATION,
K G HALLI SUB DIVISION,
BENGALURU 560045
REPRESENTED BY HCGP
2. UNION OF INDIA
BY MINISTRY OF HOME AFFAIRS,
KARTHAVYA BHAVAN 1,
NEW DELHI 110 001
REPRESENTED BY SECRETARY.
3. BUREAU OF IMMIGRATION





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MINISTRY OF HOME AFFAIRS,
5TH FLOOR, A BLOCK TTMC
BMTC BUS STAND BLDG, K H ROAD,
SHANTHINAGAR, BENGALURU 560 027
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. PENINI A H, AGA FOR R1
SRI. VINAY GOPAL, ADVOCATE FOR R2 & R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING RESPONDENT NO.1 TO FORTHWITH REVOKE/CANCEL THE LOOK OUT CIRCULAR ISSUED AGAINST PETITIONER IN CONNECTION WITH CRIME NO.78/2021 IN WHICH THE CHARGE SHEET HAS BEEN FILED NOW PENDING AS C.C. NO.27064/2023, REGISTERED AT GOVINDAPURA POLICE STATION, BENGALURU CITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

" *i. Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing Respondent No.1 to forthwith revoke/cancel the Look Out Circular issued against Petitioner in connection with Crime No.78/2021 in which the charge sheet has been filed now pending as C.C. No.27064/2023, registered at Govindapura Police Station, Bengaluru City;*

ii. Direct Respondent No.1 to communicate forthwith to all concerned immigration authorities and bureau of

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immigration the stay order dated 22/07/2024 passed by this Hon'ble Court in Crl.P. No.752/2024 and the orders passed in the present Petition, so as to enable Petitioner to travel without impediment; [Annx D];

iii. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. It is the case of the petitioner that a Look Out Circular¹ has been issued against the petitioner consequent to the criminal proceedings in Crime No.78/2021, which has subsequently been numbered as CC.No.27064/2023. It is further submitted that the petitioner has filed Criminal Petition No.752/2024 and this Court vide order dated 22.07.2024 (Annexure D to the writ petition) has granted interim stay.

3. The contention of the learned counsel for the petitioner is that having regard to the stay granted by this Court in Criminal Petition No.752/2024, the first respondent could not have issued any LOC against the petitioner. In support of the said submission, the learned counsel relies upon a Coordinate Bench judgment of this Court in the case of ***Mohammed Ashiq v. Union of India & Ors.***,².

¹ Hereinafter referred to as 'LOC'

² Order dated 27.03.2026 passed in WP.No.6111/2026



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4. Learned AGA does not dispute the legal proposition as held by the Coordinate Bench of this Court in the case of **Mohammed Ashiq¹**.

5. It is forthcoming that the question as to whether a LOC is to be continued despite the stay granted by this Court was the subject matter of consideration in the case of **Mohammed Ashiq¹**. This Court, after considering the relevant material on record, held as under:

"3. This Court notices that the issue is no longer res integra and stands squarely covered by a catena of decisions rendered by co-ordinate Benches of this Court. In identical circumstances, where criminal proceedings are stayed by this Court in exercise of jurisdiction under Section 482 of Cr.P.C., it has been consistently held that the very substratum for issuance or continuation of a Look Out Circular ceases to exist. Once the proceedings are stayed, it necessarily implies that the petitioner is not required to participate either in investigation or trial during the subsistence of the stay order.

4. The co-ordinate Bench, while dealing with similar facts, has categorically held that continuation of an LOC in the face of a subsisting stay order would be arbitrary and unsustainable, as the purpose of such LOC namely, to secure the presence of the accused no longer survives. Consequently, it has been held that the investigating agency is under a corresponding obligation to recall such LOC or keep the same in abeyance.

5. In the present case, though it is not in dispute that the petitioner has been charge-sheeted for the offences



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punishable under Sections 448 and 392 read with Section 34 of the Indian Penal Code, 1860, the fact remains that further proceedings pursuant to the said charge sheet stand stayed by this Court in Criminal Petition No.4709/2025. Therefore, the continuation of the impugned LOC or refusal to act upon the stay order by the third respondent is clearly untenable in law.

6. It is trite that when this Court exercises its inherent jurisdiction under Section 482 of Cr.P.C. and stays further proceedings, all consequential coercive steps flowing from such proceedings must also remain in abeyance. The Station House Officer, being an instrumentality of the State, is bound to give full effect to the judicial order passed by this Court and cannot act in derogation thereof. The continuation of the LOC, despite a subsisting stay order, would amount to nullifying the effect of the judicial order and cannot be countenanced.

7. Furthermore, the petitioner's right to livelihood, particularly when he is employed abroad, is protected under Article 19(1)(g) of the Constitution of India. Any administrative action that curtails such right, in the absence of a subsisting legal necessity, would be violative of constitutional guarantees. When the proceedings themselves are stayed, the insistence on continuation of LOC would result in unjustified interference with the petitioner's right to carry on his profession.

8. Therefore, this Court is of the considered view that once a stay of criminal proceedings is granted under Section 482 of Cr.P.C., the Station House Officer is duty-bound to either issue the NOC or recall / keep in abeyance any existing LOC, as the case may be, until the stay order subsists.

ORDER

i. The writ petition is allowed;

ii. Respondent Nos.3 and 4 are hereby directed to recall the LOC issued against the petitioner and keep the same in abeyance, subject to the outcome of Criminal Petition No.4709/2025;

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iii. Respondent Nos.2 and 3 are directed not to enforce the LOC against the petitioner during the subsistence of the stay order granted by this Court;

iv. Respondent Nos.3 and 4 shall forthwith communicate the decision of recalling / keeping the LOC in abeyance to respondent No.2, upon verification of the petitioner's employment, visa and travel particulars;

v. Upon furnishing of necessary employment and travel details by the petitioner, respondent No.3 shall expeditiously act and ensure compliance of this order, thereby facilitating the petitioner's right to travel and livelihood, strictly in terms of the stay order granted by this Court."

(emphasis supplied)

6. It is clear that a similar relief is to be granted in the present petition also.

7. In view of the aforementioned, the following:

ORDER

- i. The writ petition is partly allowed;
- ii. The first respondent shall forthwith recall the Look Out Circular issued against the petitioner and the same shall stand recalled during the subsistence of the stay order dated 22.07.2024 passed in Criminal Petition No.752/2024;

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- iii. Respondent Nos.2 and 3 shall be permitted to process the travel documents of the petitioner subject to the petitioner complying with the other requisites of travel;

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 36