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W.P.Crl.No.1599 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.Crl.No.1599 of 2026
and W.P.MP.Crl.No.562 of 2026

1.S.T.Sekar

2.Shanthi

... Petitioners

vs.

1.The Chief Immigration Officer,
No.26, Sasthiri Bhavan, Haddown Road,
Nungambakkam,
Chennai – 600 034.

2.The Commissioner of Police
Greater Chennai Police
No.132, office of the Commissionerate
EVK Sampath Road, Veppery
Chennai – 600 007.

3.The Inspector of Police
J-6, Thiruvanmiyur Police Station
Thiruvanmuyur
Chennai – 600 041.

4.Sandhya

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st Respondent to withdraw the Look Out Circular issued by the 2nd respondent against the petitioners in Cr.No.252 of 2024 dated 20.10.2024 registered under Section 137(2) of the BNS Act on the file of the 3rd Respondent.



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For Petitioner : Mr.K.Guruprasad
for M/s.S.Sivananthan

For R1 : Mr.K.Thirukumaran
Central Government Counsel

For R2 and R3 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

For R4 : No Appearance

ORDER

This Writ Petition has been filed for a direction, directing the 1st respondent to withdraw the Look Out Circular issued as against the petitioners in Crime No.252 of 2024, dated 20.10.2024 registered for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023, on the file of the 3rd Respondent/Police.

2. Though notice was served on the 4th respondent and the name of the 4th respondent is also printed in the cause-list, no one is appeared on behalf of the 4th respondent before this Court either in person or through pleader.



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3. Heard the learned counsel appearing for the petitioners, learned Central Government Counsel appearing for the 1st respondent and learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondents 2 and 3 and perused the materials available on record.

4. The petitioners are the husband and wife and their son got married to the defacto-complainant one Sandhya and gave birth to a female child. There was misunderstanding between the complainant and petitioners' son. Therefore, the complainant lodged a complaint as against her husband as well as petitioners herein alleging that she got married with the 1st accused and travelled to United States of America. They stayed there for 5 months and returned back to India. Due to their wedlock, they gave birth to a female child in the year 2020 and they were not in good terms and got separated in the year 2021 and they also planned to separate by mutual consent.

5. While being so, the 1st accused cheated his parents and had taken his daughter to his custody. On receipt of the said complaint, the 3rd respondent did not register any FIR. However, the defacto complainant filed Habeas Corpus Petition before this Court in H.C.P.No.2147 of 2024. The Hon'ble Division Bench of this Court, by an order dated 27.09.2024



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directed the respondents 2 and 3 herein to register FIR and initiate swift action to ensure the production of the child and secure the child.

6. The direction issued by the Hon'ble Division Bench of this Court in H.C.P.No.2147 of 2024 has been challenged before the Hon'ble Supreme Court of India in S.L.P.(Crl).No.14758 of 2024 and the Hon'ble Supreme Court of India has stayed the impugned interim order dated 27.09.2024 by the order dated 04.11.2024.

7. In view of the above direction, the 3rd respondent herein registered the FIR in Crime No.252 of 2024 for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023. After registration of FIR, the 1st accused is in United States of America and the child is in the custody of the petitioners herein. The FIR got registered as against the complainant's husband and her in-laws namely the petitioners herein.

8. Further, even according to the defacto complainant, the child was born through the 1st accused and as such, the 1st accused is being a father of the child had taken the child for his custody. It would not amount to kidnapping. That apart, the petitioners are very much available in India and



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they are cooperating for investigation in Crime No.252 of 2024. Further, all the accused-A1 to A3 including the petitioners herein challenged the very FIR before this Court in Crl.O.P.No.6757 of 2025. This Court by an order dated 10.03.2025 stayed the entire further proceedings of the FIR registered in Crime No.252 of 2024 on the file of the 3rd respondent herein. Therefore, there is absolutely no circumstances to issue Look Out Circular as against the petitioners.

9. In view of the above, the impugned Look Out Circular issued by the 2nd respondent as against the petitioners in Crime No.252 of 2024, dated 20.10.2024 registered for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023, on the file of the 3rd Respondent/Police, is hereby withdrawn.

10. Accordingly, the Writ Petition (Criminal) is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

07.08.2026

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

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To

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J-6, Thiruvanmiyur Police Station
Thiruvanmuyur
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- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K. ILANTHIRAIYAN, J.

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