

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.21428 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus declaring the action of the 3rd respondent in issuing RCN/LOC against the petitioners in connection with crime No.15 of 2014 dated 18-05-2014 on the file of Police Station, CID, Hyderabad is illegal, arbitrary and un-constitutional. Consequently, direct the 3rd and 4th respondents to forthwith withdrawn the names of the petitioners from LOC/RCN in connection with crime No.15 of 2014 dated 18-05-2014.”

Heard Sri Rajagopallavan Tayi, learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

On the complaint lodged by the wife of the 1st petitioner namely Smt.Madhusa Peram, the 3rd respondent herein registered F.I.R.No.15 of 2014 on 18-05-2014 against the petitioners herein for the alleged offences under Sections 403, 406, 424, 498-A and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

It is the case of the petitioners herein that they filed Criminal Petition Nos.8151 of 2014 and 13163 of 2014 before this Court and this Court granted orders directing the 3rd respondent not to arrest the petitioners in the said crime. It is pleaded that the petitioners

herein are residing in U.S.A. and the 3rd respondent – Investigating Officer recorded that the petitioners absconded during the course of investigation and the 3rd respondent through the 2nd respondent issued a direction to the 4th respondent to open LOC and RCN against the petitioners in F.I.R.No.15 of 2014.

It is contended by the learned counsel for the petitioners that the 3rd respondent herein has no jurisdiction to issue Red Corner Notice in view of the order passed in the above criminal petitions. It is also argued by the learned counsel for the petitioners that the 2nd respondent acted beyond jurisdiction and the said action is in violation of the orders of this Court.

Learned Government Pleader has placed on record an order passed by this Court in W.P.No.14222 of 2015, dated 16-06-2015, wherein this Court by placing reliance on the orders passed earlier in W.P.No.3213 of 2015, dated 06-03-2015 disposed of the writ petition, permitting the petitioners to move the concerned Court.

In view of the above orders of this Court, this writ petition is disposed of, permitting the petitioners herein to move the Court of II Metropolitan Magistrate, Cyberabad at L.B. Nagar and by making an appropriate application within a week from today seeking withdrawal of Look Out Circular (LOC). It is also made clear that the petitioners are at liberty to set out the reasons for making the said request. If such an application is made by the petitioners, the learned II Metropolitan Magistrate, Cyberabad at

L.B. Nagar shall consider the same in accordance with law and pass appropriate orders expeditiously preferably within a period of two weeks thereafter. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Office is directed to annex the copy of the order in W.P.No.14222 of 2015.

A.V. SETHA SAI, J

July 14, 2015

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