

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.42652 OF 2015

ORDER:

The grievance of the petitioner is that the respondent authorities failed to withdraw the Lookout Notice issued in his name in relation to Crime No.623 of 2015 on the file of Women Police Station, DD, Hyderabad, though he had secured anticipatory bail therein.

The petitioner claims that he secured divorce from his wife, Madhavaram Priyanka, in the United States of America. He further claims that he paid monetary compensation and maintenance to her. It is his complaint that despite the afore-stated developments, his former wife filed a complaint before the police authorities, which led to the registration of Crime No.623 of 2015 on the file of Women Police Station, DD, Hyderabad, under Sections 406, 498-A and 506 I.P.C. read with Sections 4 and 6 of the Dowry Prohibition Act, 1961. Pursuant to the registration of this crime, a Lookout Notice was issued in his name and despite his securing anticipatory bail in CrI.P.No.12423 of 2015 filed before this Court, the same has not been withdrawn.

Smt. Annapurna, learned counsel, assures this Court that the petitioner would appear before the criminal court as and when required.

Written instructions dated 05.01.2016 were furnished by the Assistant Commissioner of Police, Women Police Station, DD, CCS, Hyderabad, to the office of the learned Government Pleader for Home, wherein it was stated that upon registration of Crime No.623 of 2015, a Lookout Circular had been issued in the name of the petitioner as he was residing in the United States. This Lookout Circular was issued by the Government of India on 20.10.2015 and is stated to be valid up to 12.10.2016. Admitting the fact that the petitioner secured an order from this Court directing that he should not be arrested till completion of the investigation and he also secured anticipatory bail, the Assistant Commissioner of Police stated that as he was working in the United States of America, there is no guarantee that he would return to India to face the criminal proceedings. It is on this basis that the police authorities sought to justify the Lookout Circular.

As matters stand, the petitioner has already secured bail in the context of the subject crime which is still stated to be at the stage of investigation. As he works in the United States of America and it is premature at this stage to deprive him of his livelihood by preventing him from leaving the country, this Court is of the opinion that the interests of justice would be sufficiently served by requiring the

petitioner to deposit a reasonable amount of money to guarantee his appearance in the criminal proceedings. In the event the petitioner fails to appear in the proceedings despite giving such security, the same shall be appropriated to the State Exchequer.

The writ petition is accordingly disposed of directing the respondent authorities to withdraw the Lookout Circular issued in the name of the petitioner in relation to Crime No.623 of 2015 on the file of Women Police Station, DD, Hyderabad, upon the petitioner depositing a sum of Rs.3,00,000/- (Rupees Three Lakhs only) before the XIII Additional Chief Metropolitan Magistrate, Hyderabad, and producing proof of such deposit. The said amount shall be kept in an interest yielding fixed deposit by the Court below pending the disposal of the criminal proceedings. In the event the petitioner does not commit breach of the undertaking given to this Court that he would appear before the Court below, the amount deposited by the petitioner shall be returned to him after completion of the criminal proceedings.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

18th January, 2016

Note:-

Issue CC in three days.

B/o

IBL