

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28706 of 2017

ORDER:

This writ petition is filed assailing the letter dated 09.01.2016 addressed by the 3rd respondent to the 2nd respondent requesting for issuance of the Lookout Circular against the petitioner as well as the Lookout Circular issued by the respondents pursuant to the said letter.

It is not in dispute that the petitioner is accused No.1 in Crime No.467 of 2015 under Section 498-A IPC read with Sections 3 and 4 of Dowry Prohibition Act on a complaint lodged by the 4th respondent, who is his father-in-law. It is also not in dispute that C.C.No.1200 of 2015 was registered against A2 and A3, who are parents of the petitioner and it was recorded therein that the petitioner and A4 were absconding and they were residing at USA and that as and when they return to India, they will be arrested and a separate charge-sheet will be filed against them.

Questioning the same, the petitioner and A4 approached this Court *vide* CrI.P.No.2409 of 2016 and the same was disposed of on 25.02.2016 holding that except on the dates of framing of charges and examination under Section 313 Cr.P.C., they need not be present since they are employed in abroad, but they can be properly represented through their counsel before the trial Court.

Learned counsel for the petitioner contends that having regard to the said order, the question of issuing a Lookout Circular against the petitioner does not arise and that the exercise of such power by 3rd respondent is not legal and valid. Learned counsel

undertakes that the petitioner would appear before the XX Metropolitan Magistrate, Malkajgiri, Cyberabad on 05.10.2017.

Sri L.Ravi Chandar, learned Senior Counsel appearing for 4th respondent stated that if the petitioner appears before the learned Magistrate on the said date, the learned Magistrate can frame charges against him under a separate charge-sheet.

Having regard to the fact that the learned counsel for the petitioner has undertaken that the petitioner would appear before the XX Metropolitan Magistrate, Malkajgiri, Cyberabad on 05.10.2017, subject to the petitioner fulfilling the said undertaking and co-operating with the said Court in framing the charges against him, the letter dated 09.01.2016 which was addressed by 3rd respondent to the 2nd respondent as well as the Lookout Circular issued pursuant thereto are set aside. However, in the event, the petitioner violates the undertaking, liberty is given to the 4th respondent to revive the writ petition.

With the above observation, the Writ Petition is disposed of. No costs.

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

M.S.RAMACHANDRA RAO, J

August 28th, 2017.

Note: Issue C.C. in two days.
(B/o)
ssp