

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1648 of 2018

Shriram Sankaran

.. Petitioner

Vs.

1. State represented by  
Inspector of Police,  
W22, All Women's Police Station,  
Mylapore, Chennai - 600 004.

2. Savitha Sethuraman

.. Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to recall Look Out Circular against the Petitioners pending on the file of the first respondent police.

For Petitioner : Mr.Mahesh Kumar

For Respondents : Mrs.Kritika Kamal.P  
Government Advocate (Crl. Side) for R1

**ORDER**

The prayer sought for in the present petition to recall Look Out Circular dated 01.11.2016. The issuance of look out circular is regulated by a Office Memorandum No.25016/31/2010-Imm. dated 27.10.2010 issued by the Ministry of Home Affairs, Government of India. As per the memorandum, the validity of Look Out Circular is for a period of one year from the date of issue and after the expiry of one year, the said Look Out Circular would stand automatically lapsed. In the present case, the Look Out Circular issued on 01.11.2016 cannot have any legal validity, in view of the expiry of the period of one year.

2. Furthermore, the purpose of issuance of the Look Out Circular was issued has also been met, in the sense, the petitioner had participated in the enquiry conducted in connection with the First Information Report pending with the respondent police. Since the purpose of Look Out Circular was issued has been met, the Look Out Circular stands lapsed on this ground also.

3. In a recent order of this Court made in Crl.OP. No. 16924 of 2017 dated 13.11.2017 (Kathirava Moorthy Vs. The Inspector of Police, W-2 All Women Police Station, Madipakkam, Chennai and 3 others) the following

observations were made:

*“ 5. There is nothing on record to show that the LOC was extended and even assuming that the LOC is extended, it is seen that pursuant to the LOC, when the petitioner had landed in India he was detained on the strength of the LOC and handed over to the Investigating Officer. The purpose of the LOC is for securing the accused who has absconded for the purpose of investigation. In the present case the purpose for which the LOC was issued has been met. In view of the fact that the petitioner was detained and handed over to the Investigating officer and when the purpose is achieved it can be said that the LOC has abated.*

*6. The above position is akin to situations where bailable or non-bailable warrants are issued. Once when the accused is secured on the strength of such warrants and produced before the Court, the warrant lapses, since the purpose for which it was issued had been served. Similar is the situation, in case of LOCs. If at all the presence of accused is required thereafter, it would give a fresh cause of action and hence a fresh LOC is*

*required to secure the accused. I had an occasion to deal with a similar propositions in a judgement in S.Santhosh Kumar Vs The Superintendent of Police passed in WP.No.17873 of 2017 and Crl.OP.No.13774 of 2017 dated 31.08.2017. In the said order the following observations were made:-*

*“In the decision relied on by the learned senior counsel for the petitioner in (Arockia Jeyabalan vs. The Regional Passport Officer, Mount Road, Chennai and others) 2014 4 Law Weekly 841 this Court had an occasion to consider that validity of the lookout circular. In that case, based on the look out notice issued by the respondents therein, the petitioner therein was arrested and remanded to judicial custody. Thereafter, the petitioner therein was released on bail. Therefore, it was held that the object of the Look out Circular is to ensure the presence of a person for interrogation, trial or inquiry and when the purpose of such circular is served by interrogating the person, thereafter, such circular is non-est in the eye of law. Even in this case, the petitioner was subjected to enquiry at length by the fourth respondent and therefore, keeping the look out notice in force is impermissible. In the light of the above, the writ petition is allowed. No costs. The respondents are directed not to prevent the petitioner from proceeding to*

*London to continue her studies and the Look Out Circular issued by the second respondent need not be enforced against the petitioner.”*

7. The above observation is self explanatory. In view of the fact that the petitioner was secured and produced before the Investigating Officer, the LOC thereafter becomes non-est in the eye of law.

8. Since the LOC against the petitioner has lapsed, no further orders are required. It is needless to mention here that since there is no LOC pending against the petitioner as on date it would be open to him to travel in and out of the country without reference to the LOC dated 04.01.2011.”

4. In the result, the criminal original petition stands allowed.

Consequently, the petitioner would be free to travel in and out of the country and the respondent herein shall refrain from securing or causing any hindrance by citing the earlier Look Out Circular dated 01.11.2016.



**M.S.RAMESH.J.,**

***dh***

However, the petitioner is directed to furnish the details such as his residential address where he stays abroad, contact address for communication, mobile number, e-mail id, period of stay, his probable date of return etc., to the first respondent before leaving India.

19.01.2018

Index : Yes/No  
Internet: Yes/No  
dh

**Note : Issue order copy today.**

To

1. The Inspector of Police,  
W22, All Women's Police Station,  
Mylapore, Chennai - 600 004.

2. The Public Prosecutor,  
High Court, Madras

**Crl.O.P.No.1648 of 2018**

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