

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :13.12.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33371 of 2018

and W.MP.Nos.38745 and 38747 of 2018

1.Vir Kumar Jain alias V.K.Jain
2. Rhythm Jain
Rep. By Power of Attorney
Lallan Singh,
No.65/33 Prakasam Salai,
BBC Villa Complex, Flat No.62, 6th Floor,
Broadway, Chennai 600 108. .. Petitioners

versus

1. The Chief Immigration Officer,
Foreigners Regional Registration Officer,
Immigration Department,
"Sastri Bhavan"
Haddows Road, Chennai 600 006.
2. Additional Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to ignore the opening of a "Look Out" dated 25.06.2007 with the Immigration Department, 1st respondent who calculatedly registered false case in Crime No.308 of 2007 on the file of the Crime Branch, Chennai and willfully not lifting the alleged Look Out solely with a view of harass and curtail the petitioners Fundamental Rights of Personal Liberty, Freedom of Movement and Right to Carry on Business guaranteed under the Constitution of India to every citizen of the country is unconstitutional and offends Articles 19 and 21 of the Constitution of India.

For Petitioners : Mr. K.Venkatakrishnan
For Respondents : Mr. K.Srinivasamurthy,
Senior Panel Counsel for R1
Mr. V.Shanmugasundar,
Special Govt. Pleader for R2

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus to direct the first respondent to ignore the opening of a "Look Out" dated 25.06.2007 with the Immigration Department/ first respondent, who calculatedly registered a false case in Crime No.308 of 2007 on the file of the Central Crime Branch, Chennai.

2. Heard Mr.K.Venkatakrishnan, learned counsel appearing for the petitioners, Mr.K.Srinivasamoorthy, learned Senior Panel Counsel for the first respondent and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the second respondent.

3. The petitioners are ***Father and Daughter**, who are presently living in United Kingdom. It is stated that one D.P.Garg, who is the father-in-law of the first petitioner, was seriously ill and admitted in Kailash Hospital, Noida. Therefore, the petitioners had undertaken to travel to India to visit him. However, it is stated that Mr.D.P.Garg, passed away this morning and funeral is scheduled to be held tomorrow. The petitioners are also said to be stranded at the Birmingham Airport, and their apprehension is that they may be detained in the Delhi Airport pursuant to the Look Out Circular dated 25.06.2007.

4. The petitioners were said to have involved themselves in Money Cheating Case in Crime No.308 of 2007 on the file of the Central Crime Branch, Chennai. The said crime report was circulated before the Additional Deputy Commissioner Police, Central Crime Branch to prevent the first petitioner from going Abroad. But nothing is stated in the affidavit as to how and when they left India.

5. It is also pertinent to refer to the common order dated 27.11.2012 in Criminal O.P.Nos. 22037, 26094 of 2018, 2388 and 7896 of 2010 and 22431 of 2011 passed by this Court, wherein, after discussing in detail with regard to Crime No.308 of 2007, was quashed. Thus, admittedly the said Crime No.308 of 2007 on the file of the Inspector General of Police, Team-I, Central Crime Branch, Egmore, Chennai 600 008, based on which Look Out Circular was issued is already quashed. The petitioners have not taken any steps to cancel the Look Out Circular passed on 25.06.2007 till today.

6. Considering the fact that the petitioners have been visiting India only for attending the funeral of the blood relative, they may be permitted to enter the country and attend the above said funeral of late Mr.D.P.Garg. The Special

Government Pleader also produced a copy of the report from the Inspector of Police, Central Crime Branch, Team-I, Vepery, Chennai 600 007 dated 18.07.2017 referring the order passed by this Hon'ble Court dated 27.11.2012 quashing the Crime No.308 of 2007. Considering the urgency expressed in the matter and in view of the Crime No.308 of 2007 itself being quashed. The Look Out Circular issued on 25.06.2007 has no value and the same is withdrawn. The petitioners are free to enter the country and exit.

7. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)
Dated: 14/12/2018

***Amended as per Order of
this Court dated 12.03.2019**

**Sd/-Assistant Registrar (CS IV)
Dated: 19/03/2019**

//True Copy//

Sub Assistant Registrar

To

1. The Chief Immigration Officer,
Foreigners Regional Registration Officer,
Immigration Department,
"Sastri Bhavan"
Haddows Road, Chennai 600 006.
2. Additional Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007.

**to be substituted
to the order
already
despatched on
17/12/2018**

+1cc to Mr.K.Srinivasamurthy, Advocate sr.86466

+2cc to Mr.K.Venkata Krishnan, Advocate, S.R.No. 22940,87030

W.P.No.33371 of 2018

srg 14/12/2018
GN(22/03/2019)