



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.16247 of 2018

K.Hameed Aslam

... Petitioner

vs.

1. The Chief Immigration Officer,
Immigration Department,
Madurai Airport, Madurai-625 022
2. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street, Race Course Road,
Madurai-625 002
3. The Inspector of Police,
Karuppayurani Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus direct the respondents to permit the petitioner to travel abroad.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji

For Respondents: Mr.V.Kathirvelu

Assistant Solicitor General of India
assisted by Mr.I.Irulappan

Central Government Standing Counsel for R1 &R2

Mr.N.Shanmugaselvam

Additional Government Pleader for R3

O R D E R

In view of the pendency of LOC issued against the petitioner in connection with Crime No.395 of 2017, on the file of the third respondent - Police, he could not travel abroad and therefore, he has filed the present writ petition seeking for a direction to the respondents herein to permit him to travel abroad.

2. This Court, by an order, dated 31.08.2017, made in W.P. (MD) No.17873 of 2017 and Crl.O.P.(MD) No.13774 of 2017, had held that the object of the look out circular is to secure 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.



3. The learned Additional Government Pleader for the third respondent submitted that investigation in the criminal complaint against the petitioner herein has been completed and charge sheet has also been presented before the concerned jurisdictional Magistrate. Hence, it can only be concluded that the investigation in the criminal complaint against the petitioner herein has been completed and the purpose for which the LOC was issued against the petitioner herein has also been met. In view of the earlier orders of this Court, the LOC issued against the petitioner herein is deemed to have lapsed on the ground that the investigation, for which the LOC was issued against the petitioner, has been completed.

4. In view of the above, there may not be any impediment for the petitioner to travel abroad.

5. In the result, the writ petition is allowed and the petitioner is permitted to travel in and out of the country without reference to the LOC issued against him in connection with Crime No.395 of 2017, on the file of the third respondent - Police. The first respondent is also directed to permit the petitioner to leave the country as and when required without reference to the LOC issued against him in connection with Crime No.395 of 2017, on the file of the third respondent - Police. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-)

To:

1. The Chief Immigration Officer,
Immigration Department,
Madurai Airport, Madurai-625 022.
2. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002.
3. The Inspector of Police,
Karuppayurani Police Station,
Madurai.

+ 1 CC TO Mr.I.IRULAPPAN, ADVOCATE IN SR No. 76808

+ 1 CC TO M/s.DHANA LAW ASSOCIATES, IN SR No. 76766

KRK

TE/RP/SAR-1 : 11/08/2018 : 2P/6C