

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.25038 of 2018

ORDER::

This writ petition is filed assailing the Look Out Circular (LOC) issued against the petitioner in connection with Cr.No.1332 of 2017 on the file PS KPHB Colony, Cyberabad, Hyderabad, as being illegal, arbitrary and for issuance of consequential directions to meet the ends of justice.

2. Learned counsel for the petitioner submits that the petitioner is residing in Oman country and is a doctor by profession. It is stated that the petitioner is ready and willing to cooperate with the investigating agency and the case is at the stage of investigation and no charge sheet is filed, the question of petitioner absconding and not available to the investigating agency is incorrect.

3. On the other hand, learned Asst. Government Pleader for Home submits that as the petitioner was not available for investigation in connection with the above crime registered against him, the look-out circular had to be issued.

4. It is seen that the petitioner is aged 62 years and is a doctor by profession. The complaint is lodged by the 5th

respondent against him, who is his daughter-in-law. Petitioner's counsel states that the petitioner has been falsely implicated in this case by the 5th respondent only to settle scores with the son of the petitioner, who is her husband.

5. This Court is not going into the merits or otherwise of the allegations made by the 5th respondent. This Court in WP No.3213 of 2015 by following the judgments of Madras High Court in **S.MARTIN vs. DEPUTY COMMISSIONER OF POLICE**¹ and Delhi High Court in **SUMER SINGH SALKAN, COURT ON ITS OWN MOTION RE vs. ASSISTANT DIRECTOR**² held that the petitioner can be permitted to move the concerned Court for withdrawal of look out circular by stating the facts. For the reasons alike and following the order passed in the WP No.3213 of 2015, this writ petition is disposed of. Inasmuch as the petitioner is in Oman country, the petitioner is permitted to file recall petition to re-call the look-out circular issued against him before the concerned Court through counsel and on filing such a petition, the trial Court shall consider the same and pass appropriate orders by taking into consideration the facts and circumstances of the

¹ 2014 LAW SUIT (Madras) 250

² 2010 LAW SUIT (Delhi) 1628

case, as expeditiously as possible. The petitioner is also directed to co-operate with the investigating agency. It is needless to observe that the respondents 3 and 4 shall follow the guidelines issued in **ARNESH KUMAR vs. STATE OF BIHAR**³ case.

6. The writ petition is disposed of accordingly. As a sequel to the disposal of the writ petition, miscellaneous petitions if any pending shall also stand closed. There shall be no order as to costs.

Dated: 20-07-2018
NRG



A.RAJASHEKER REDDY, J

³ (2014) 8 SCC 273

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DATED :: 20-07-2018