

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.24993 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 has been issued with notice under Section 41-A CrPC and the look-out circular is issued thereafter. It is also stated that petitioner is very much available and willing to co-operate with the investigating officer and therefore, the question of petitioner absconding and he is not available for investigation to the investigating officer 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 to be seen that the petitioner has been already issued with notice under Section 41-A CrPC and the petitioner counsel states that he is very much available and subject himself for investigation in the case. Petitioner's counsel also states that the petitioner has been falsely implicated in this case by the 5th respondent only to settle scores with him, 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. It is open for the petitioner to file a petition to recall the Look-Out Circular issued against him before the Court concerned 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 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.

A.RAJASHEKER REDDY, J

Dated: 20-07-2018
NRG

¹ 2014 LAW SUIT (Madras) 250

² 2010 LAW SUIT (Delhi) 1628

³ (2014) 8 SCC 273

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