

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19974 of 2019

Santhosam

...Petitioner

Vs.

1. The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai.

2. The Inspector of Police,
Central Crime Branch, EDF II,
Vepery, Chennai.

3. The Immigration Officer,
Bureau of Immigration,
Sastri Bhavan, Chennai.

....Respondents

PRAYER: Criminal Original Petition filed under Section 439(2) of Criminal Procedure Code, to direct the 1st respondent to withdraw the lookout circular issued in connection with Crime No.85 of 2019 on the file of the 2nd respondent to the 3rd respondent.

For Petitioner : Mr.R.Vivekananthan

For Respondents: Mr.C.Raghavan

Government Advocate for R1 & R2

Mr.S.Kamalakannan

for Defacto Complainant

ORDER

This petition has been filed for a direction to the 1st respondent to withdraw the lookout circular issued against the petitioner in Crime No.85 of 2019.

2. It is seen from the records that, based on the complaint given by the M/s.Rliance Home Finance Company Ltd., FIR came to be registered by the respondent police in Crime No.85 of 2019. This FIR is already a subject matter of challenge before this Court in Crl.O.P.No.18185 of 2019. This Court has also granted interim stay of investigation in the said case.

3. The petitioner is now staying at Singapore and he has to travel to various places in view of his business. The petitioner also wants to negotiate and resolve the dispute with the defacto complainant. However, since there is a lookout circular pending against the petitioner, the petitioner is not in a position to come to India. Therefore, the present petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the complaint filed by the defacto complainant is unsustainable since the dispute is purely civil in nature. However, the petitioner wants to resolve this dispute and therefore, the petitioner wants to come back to India. The learned counsel further submitted that the investigation has already been stayed by this Court in Crime No.85 of 2019.

5. The learned counsel appearing for the defacto complainant submitted that the petitioner has committed a huge default and he has misled the bank and taken the loan amount. Therefore, if the lookout circular is withdrawn, the petitioner may abscond and therefore the lookout circular should not be withdrawn by this Court. The learned counsel submitted that the defacto complainant will contest the quash petition filed by the petitioner on its own merits.

6. This Court has carefully considered the submissions made on either side and also the materials available on record.

7. The fact remains that the FIR that was registered in Crime No.85 of 2019 has already become a subject matter of challenge before this Court and this Court already stayed the investigation. The lookout circular was issued by the respondent police after the registration of the FIR. The petitioner expresses his willingness to come back to India in order to negotiate with the defacto complainant and make an attempt to resolve the dispute amicably.

8. In view of the above, this Court is inclined to direct the Additional Commissioner of Police, Central Crime Branch, Chennai to issue a letter to the Immigration Department to keep the lookout circular in abeyance. This will enable the petitioner to come back to India and make his attempts to settle the dispute. This will also enable the petitioner to move easily without hassles for his business purpose.

9. This Criminal Original Petition is disposed of with the direction to the Additional Commissioner of Police, Central Crime Branch, Chennai to issue a letter to the Immigration Department to keep the lookout circular issued in Crime No.85 of

2019 in abeyance within a period of two weeks from the date of receipt of a copy of this order, till the Crl.O.P.No.18185 of 2019 is disposed of by this Court.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai.
2. The Inspector of Police,
Central Crime Branch, EDF II,
Vepery, Chennai.
3. The Immigration Officer,
Bureau of Immigration,
Sastri Bhavan, Chennai.
4. The Public Prosecutor,
High Court, Madras.

Copy to

The Additional Commissioner of Police
Central Crime Branch
Chennai

+1 CC to Mr.R.Vivekananthan, Advocate sr 68602.

सत्यमेव जयते

CRL.O.P.No.19974 of 2019

VGI (CO)
SP(22/08/2019)

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