



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.23464 of 2019

Sadik Batcha

... Petitioner

Vs.

The State Rep. by

1. The Superintendent of Police
Thanjavur District, Thanjavur

2. The Inspector of Police
All Women Police Station
Papanasam, Thanjavur District

3. The Bureau of Immigration Officer
Ministry of Home affairs
Government of India
New Delhi

... Respondents

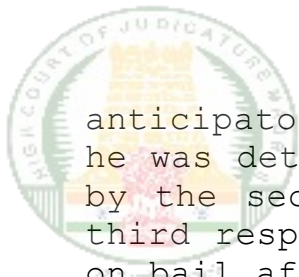
Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, to direct respondents herein to forthwith withdraw the Look Out Notice issued by the 3rd respondent against the petitioner by his proceedings in R.C.no.C1/30900/2019 dt 9.9.2019 which was forward to the 1st respondent against the petitioner

For Petitioner	: Mr.B.Jameel Arasu
For Respondents	: Mr.K.Suyambulinga
No.1 and 2	Government Advocate(Crl.Side)
No. 3	: Mr. S.Jeyasingh

O R D E R

The prayer in this writ petition is to direct the respondents herein to forthwith withdraw the Look Out Notice issued by the 3rd respondent against the petitioner by his proceedings in R.C.no.C1/30900/2019 dt 9.9.2019 which was forward to the 1st respondent against the petitioner

2. The petitioner is employed in Gulf . He visited India for his marriage and from the very first day of the marriage, the wife of the petitioner started harassing him without any reason, resulting in difference of opinion and they are living happily. At the instigation of his wife, the parents of the defacto complainant gave complaint against the petitioner and the respondent police registered a case in Crime No.4 of 2019 for the Section 498(A) of IPC. He filed petition for



anticipatory bail and he was granted anticipatory bail. Even then he was detained pursuant to the impugned look out circular issued by the second respondent pursuant to the crime registered by the third respondent in Crime No.4 of 2019. The petitioner was released on bail after executing sureties in Crime No.4 of 2019.

WEB COPY

3. The learned Government Advocate(Crl.Side) would submit that the case is pending before the second respondent. Therefore the presence of the petitioner is very much required for enquiry in all the crime numbers.

4. Per contra, the learned counsel for the petitioner also relied upon the judgment report in **2018 SCC Online Madras 205** in the case of **Shriram Sankaran -vs- State rep. by the Inspector of Poilce, W22, All Women Police Station, Mylapore, Chennai** and the relevant para is extracted here under:

"3. In a recent order of this Court made in Crl.OP. No. 16924 of 2017 dated 13.11.2017 (Kathirava Moorthy Vs. The Inspector of Police, W-2 All Women Police Station, Madipakkam, Chennai and 3 others) the following observations were made:

5. There is nothing on record to show that the LOC was extended and even assuming that the LOC is extended, it is seen that pursuant to the LOC, when the petitioner had landed in India he was detained on the strength of the LOC and handed over to the Investigating Officer. The purpose of the LOC is for securing the accused who has absconded for the purpose of investigation. In the present case the purpose for which the LOC was issued has been met. In view of the fact that the petitioner was detained and handed over to the Investigating officer and when the purpose is achieved it can be said that the LOC has abated.

6. The above position is akin to situations where bailable or non-bailable warrants are issued. Once when the accused is secured on the strength of such warrants and produced before the Court, the warrant lapses, since the purpose for which it was issued had been served. Similar is the situation, in case of LOCs. If at all the presence of accused is required thereafter, it would give a fresh cause of action and hence a fresh LOC is required to secure the accused. I had an occasion to deal with a similar propositions



in a judgement in S.Santhosh Kumar Vs The Superintendent of Police passed in WP.No.17873 of 2017 and Crl.OP.No.13774 of 2017 dated 31.08.2017. In the said order the following observations were made:-

WEB COPY

In the decision relied on by the learned senior counsel for the petitioner in (Arockia Jeyabalan vs. The Regional Passport Officer, Mount Road, Chennai and others) 2014 4 Law Weekly 841 this Court had an occasion to consider that validity of the lookout circular. In that case, based on the look out notice issued by the respondents therein, the petitioner therein was arrested and remanded to judicial custody. Thereafter, the petitioner therein was released on bail. Therefore, it was held that the object of the Look out Circular is to ensure 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. Even in this case, the petitioner was subjected to enquiry at length by the fourth respondent and therefore, keeping the look out notice in force is impermissible. In the light of the above, the writ petition is allowed. No costs. The respondents are directed not to prevent the petitioner from proceeding to London to continue her studies and the Look Out Circular issued by the second respondent need not be enforced against the petitioner.

7. The above observation is self explanatory. In view of the fact that the petitioner was secured and produced before the Investigating Officer, the LOC thereafter becomes non-est in the eye of law.

8. Since the LOC against the petitioner has lapsed, no further orders are required. It is needless to mention here that since there is no LOC pending against the petitioner as on date it would be open to him to travel in and out of the country without reference to the LOC dated 04.01.2011.

4. In the result, the criminal original petition stands allowed. Consequently, the petitioner would be



free to travel in and out of the country and the respondent herein shall refrain from securing or causing any hindrance by citing the earlier Look Out Circular dated 01.11.2016.

5. This Court in the order has held that Look Out Circular issued to secure the accused. In the concerned case, when the person was detained pursuant to the look out circular issued the purpose of the look out circular is over after executing arrest on the look out circular, the petitioner was handed over to the investigating officer for further proceedings. Therefore the purpose of issuance of look out circular has been completed and the same has been lapsed.

6. Considering the above facts and circumstances of the case, the respondents herein is directed to forthwith withdraw the Look Out Notice issued by the 3rd respondent against the petitioner by his proceedings in R.C.no.C1/30900/2019 dt 9.9.2019. Further it is made clear that no look out circular is pending as against the petitioner as on date. The second respondent is also at liberty to issue fresh look out circular if necessary, if anything warrant as against the petitioner in respect of the crime committed by him for investigation purpose.

7. With the above observation and direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Superintendent of Police
Thanjavur District, Thanjavur
2. The Inspector of Police
All Women Police Station
Papanasam, Thanjavur District
3. The Bureau of Immigration Officer
Ministry of Home affairs
Government of India
New Delhi

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

+1 CC to M/s.S.JEYASINGH, Advocate (SR-98191[F] dated
14/11/2019)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-98677[F] dated
15/11/2019)

W.P. (MD)No.23464 of 2019
14.11.2019

KM/(25.11.2019) 5P 7C