



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
Criminal Original Petition[MD] No.1192 of 2020

M.Mariyaaselvam

: Petitioner

vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.135/2019)

3.The Chief Immigration Officer,
Chennai Airport,
Chennai.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to withdraw the Look Out Circular issued as against the petitioner in connection with the case in Crime No.135 of 2019 on the file of the second respondent police and consequently, direct the first respondent to intimate the same to the Immigration Officers.

For Petitioner : Mr.Pon Karthikeyan for
Mr.M.Karunanithi

For Respondents : Mrs.S.Bharathi
Government Advocate (crl.side)
[for R1 and R2]

Mr.V.Kathivelu
Assistant Solicitor General of India
assisted by Mr.K.Prabhu
Central Govt. Standing Counsel
[for R3]

ORDER

This petition has been filed seeking a direction to the first respondent to withdraw the Lookout Circular issued as against the petitioner in connection with the case in Crime No.135 of 2019 on the file of the second respondent police and consequently, direct the first respondent to intimate the same to the Immigration



Officers.

2. When the matter is taken up for hearing today, the learned Assistant Solicitor General of India representing the third respondent is present before this Court. He would submit that as on date, there is no Lookout Circular issued against the petitioner in respect of Crime No.135 of 2019 registered by the second respondent. He would further submit that in fact, in an earlier case in Crime No.5 of 2019 registered by the District Crime Branch, Theni, a Lookout Circular was issued based on the request in C.No.FRB/07/5019/2019 dated 15.02.2019 made by the Superintendent of Police, Theni District regarding the petitioner in Wrt. Letter/Memo/No 07/5019/2019. He would further submit that the Lookout Circular will be retained till the completion of one year. Till date, the third respondent has not received any request to extend the Lookout Circular in respect of Crime No.5 of 2019 on the file of the District Crime Branch and the Lookout Circular will be valid till 14.02.2020.

3. At this juncture, learned counsel for the petitioner would submit that in respect of Crime No.5 of 2019 registered by District Crime Branch, Theni, the petitioner applied for anticipatory bail in CrI.O.P(MD)No.3136 of 2019 and during the pendency of the anticipatory bail application, the matter was compromised between the petitioner and the de-facto complainant and thereby, this Court had directed the respondent police to close the FIR in Crime No.5 of 2019 by order dated 29.11.2019, pursuant to which, it has been closed. He would further submit that in respect of the present case in Crime No.135/2019 the petitioner has been granted anticipatory bail and thereafter, he had duly complied with the condition and the final report has been filed and the matter is pending committal in P.R.C.No.11 of 2019 on the file of the Judicial Magistrate, Theni. The petitioner has appeared before the Court on 20.01.2020 and the case has been posted to 26.02.2020 for committal and the petitioner undertakes to appear before the Court on such date. Now that the petitioner being a business woman has to travel to Germany to attend Trade Conference and the Germany Government has also issued Visa till 25.02.2020 and after conference is over, the petitioner has to return to India on or before 25.02.2020 and the petitioner also undertakes to appear before the committal Court on 26.02.2020. However, based on the Lookout Circular issued in respect of stale case in crime No.5 of 2019, which has been closed, the movement of the petitioner to travel abroad is curtailed. Freedom of travel is constitutional right and that cannot be curtailed without any valid reason when especially the petitioner has submitted herself to due procedure. The petitioner's right to travel cannot be curtailed beyond 14.02.2020.

4. The learned Government Advocate (criminal side) would submit a request has been made to issue a Lookout Circular with regard to Crime No.135 of 2019 by the first respondent to the third respondent

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



5.At this juncture, the learned Assistant Solicitor General of India would submit that the third respondent has not received any request so far in respect of Crime No.135/2019.

6.Since no Lookout Circular has been issued against the petitioner in connection with the Crime No.135 of 2019, no order is required to be passed in this petition as on date. However, in respect of the Lookout Circular issued in connection with the Crime No.5 of 2019, it will automatically get lapsed on 14.02.2020 unless otherwise it is extended further.

7.With the above observations, this criminal original petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020
Sub Assistant Registrar(CS)

skn

To

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Theni Police Station,
Theni District.

3.The Chief Immigration Officer,
Chennai Airport,
Chennai.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-5949[F] dated 12/02/2020)

Cr1.O.P. [MD] No.1192 of 2020
12.02.2020

KK/SAR/12.02.2020/3P-6C/