



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.02.2020

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THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

W.P.(MD)No.26806 of 2019

M.Mubarak Ali

... Petitioner

Vs.

The State Rep. by

1.The Commissioner of Police,
Trichy City Commissioner of Office,
Trichy.

2.The Inspector of Police
Ponmalai All Women Police Station,
Ponmalai, Trichy City.
(in Crime No.9 of 2019)

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents herein to forthwith withdraw the Look Out Notice issued by the respondents against the petitioner, on the basis of his representation, dated 04.12.2019.

For Petitioner : Mr.S.Paul Murugesh

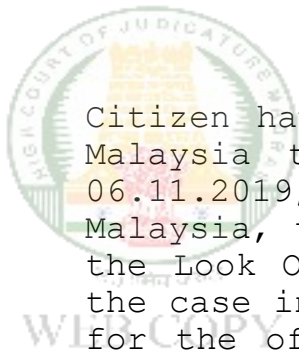
For Respondents : Mrs. S.Bharathi
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed seeking for a direction to the respondents herein to forthwith withdraw the Look Out Notice issued by the respondents against the petitioner, on the basis of his representation, dated 04.12.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The case of the prosecution is that the petitioner is an Indian Citizen holding Passport No.S9971000 issued by the Regional Passport Officer, Trichy. The petitioner's father is a Malaysian



Citizen having business at Malaysia. The petitioner used to visit Malaysia to see his parents, thereafter, return to India. On 06.11.2019, as usual while the petitioner was returning from Malaysia, the respondent police arrested the petitioner, pursuant to the Look Out Circular issued by the authorities in connection with the case in Crime No.9 of 2019, registered by the second respondent, for the offences under Sections 354(c), 354(d) and 506(ii) of IPC and Sections 67 and 67(a) of Information Technologies Act, 2000 and Sections 5(1) and 6 of Protection of Children from Sexual Offences Act. The petitioner was remanded to judicial custody and thereafter, he was granted bail, by order dated, 22.11.2019 in Crl.O.P. (MD)No.17114 of 2019.

4.The learned counsel for the petitioner would submit that the purpose of issuance of Look Out Circular is to see to that the petitioner appears for interrogation. The petitioner was arrested and he had co-operated with the respondent police for interrogation and thereafter, he has also been released on bail by this Court. The investigation is still pending. Once the petitioner has been arrested, pursuant to the Look Out Circular, the purpose is met and thereby, there is no purpose in keeping the Look Out Circular pending. He would further submit that the petitioner has not absconded and that he had been arrested, while he was returning to India. The petitioner has to go to see his father for assisting him in his business and thereby, he had given a representation, dated 04.12.2019 to the authorities seeking to withdraw the Look Out Circular. However, since no action has been taken by the respondents to withdraw the Look Out Circular, the present writ petition has been filed.

5.The learned counsel for the petitioner would further submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by the respondent police. He is also ready to co-operate with any kind of further investigation and whenever, the presence of the petitioner is required in India, he is prepared to appear before the authorities, for further investigation. He would further submit that in a case of his nature, the Court has to balance the equity and that because of the pendency of this Look Out Circular, the petitioner cannot be inordinately prevented from travelling abroad.

6.The learned counsel for the petitioner relied upon the judgment reported in **2018 SCC Online Madras 205** in the case of **Shriram Sankaran-Vs- State rep. by the Inspector of Police, W22, All Women Police Station, Mylapore, Chennai** and the relevant para is extracted hereunder:-

"3. In a recent order of this Court made in Crl.OP.

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



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 CrI.OP.No.13774 of 2017 dated 31.08.2017. In the said order the following observations were made:-

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



undertaking the respondents shall withdraw the Look Out Circular.

9. With above directions, the writ petition stands disposed of.
No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police,
Trichy City Commissioner of Office,
Trichy.

2. The Inspector of Police
Ponmalai All Women Police Station,
Ponmalai, Trichy City.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-7624[F] dated
21/02/2020)

W.P. (MD) No.26806 of 2019
19.02.2020

KK/26.02.2020/5P-4C