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W.P.No.11584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.11584 of 2023
and
W.M.P.No.11484 of 2023

Raja Rishi

...Petitioners

vs.

- 1.Bureau of Immigration,
Rep by its Commissioner (Immigration),
East Block VIII, Level V, Sector 1,
R.K.Puram, New Delhi 110066.
- 2.Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Periyanyakkanpalayam, Coimbatore
- 3.Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore 641 034.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to withdraw the look out circular No.2021407269 originated by the Superintendent of Police vide



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originating Ref No.31/FRO/DCRB-CBE-DIST/2021 dated 31.03.2021 and FIR in Crime No.5 of 2021 dated 26.03.2021 on the file of the 3rd respondent.

For Petitioners : Mr.V.P.Raman
For Respondents : Mr.M.Sathya, ACGSC, for R1
Mr.A.Gopinath,
Government Advocate, for R2 and R3

ORDER

This writ petition has been filed for the issuance of writ of Mandamus directing the respondent to withdraw the lookout circular issued against the petitioner in Crime No.5 of 2021.

2. Heard the learned counsel for the petitioner and respondent and also perused the materials available on record.

3. The compliant was given by the wife of the petitioner, which resulted in registration of FIR in Crime No.5 of 2021 against the petitioner, his parents and his sister. The said FIR became the subject matter of challenge in Crl.O.P.Nos.20059, etc., of 2021, which was filed by the father-in-law, mother-in-law and sister-in-law of the complainant. This Court by an order dated 01.09.2022 was pleased to quash the FIR insofar as A2 to A4 are concerned. The third respondent was directed to proceed further with the investigation



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insofar as the petitioner (A1) and to complete the investigation and to file the final report within the time stipulated by this Court.

4. In the meantime, the petitioner had filed anticipatory bail petition before the Principal District and Sessions Court, Coimbatore and anticipatory bail was granted in CMP.No.1796 of 2021 by an order dated 19.07.2021 by imposing certain conditions.

5. The petitioner was working in USA and hence, he had to go to USA for a period of one month. He planned for the visit from 12.02.2023 and was proposing to return back India by 12.03.2023. However, the petitioner was stopped at the immigration in the Bangalore International Airport. The OCI card and the boarding pass of the petitioner was impounded by the immigration officer. It is only at that point of time, the petitioner became aware of the fact that there is a lookout circular and the same has originated from the file of the Superintendent of Police. The said lookout circular was issued against the petitioner based on the request made by the third respondent through the second respondent.

6. Further case of the petitioner is that he had cooperated during the



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investigation and that he has to go to USA and report to his employer, failing which the petitioner will lose his job. It is under these circumstances, the present writ petition was filed before this Court.

7. When the matter came up for hearing on 26.07.2023, it was submitted before this Court that the investigation is almost completed and that a final report will be filed very shortly before the concerned Court. Taking into consideration the facts of the case, this Court had directed the petitioner to file an affidavit of undertaking and the matter was posted for hearing today.

8. The undertaking affidavit of the petitioner has been filed and for proper appreciation, the relevant portions in the said affidavit are extracted hereunder:

“3. The above-mentioned FIR has arisen out of the family dispute between the husband and wife and the lookout circular has been issued in haste without any preliminary enquiry being conducted. The FIR has been filed at the instance of the defacto complainant Le Krshitha who is none other than my wife against me and my family. The FIR against my father, mother and sister was quashed by this Hon'ble Court vide common order dated 01.09.2022 in CrI.O.P.Nos. 20059, 20093 and 20631 of 2021. It is pertinent to state that there was no stay of investigation as against me as the interim stay in the above mentioned quash proceedings were granted in respect of my family alone. Despite a direction being given to the 3rd Respondent herein in



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the above quash proceedings to complete the investigation against me within a period of 12 weeks, the same has not progressed any further. I have cooperated with the investigation by appearing before the 2nd and 3rd Respondent as and when I was summoned by them. I have appeared and answered their questions both orally and in written form.

4. Further, I have also rendered my complete cooperation in both the divorce petitions filed by my wife MsKrshitha and I and will continue to do so until the said proceedings attain finality.

5. It is pertinent to state that I am required to report to my employer in the U.S.A and therefore seek this Hon'ble Court to direct the Respondents to withdraw the impugned Look Out Circular. I have rendered my complete cooperation thus far in above mentioned proceedings and hereby undertake that in the event a chargesheet is filed against me, I will appear before the concerned Trial Court and cooperate with the proceedings before the Court in accordance with law for speedy disposal of the same.”

9. In the considered view of this Court, the investigation is now completed and the final report is going to be filed by the respondent police. In the meantime, the petitioner wants to report to his employer in USA. Hence, there is no reason as to why the petitioner must be stopped from going to USA, more particularly, when the petitioner undertakes that he will cooperate in the



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disposal of the case before the trial Court. Further, It seems that both the petitioner as well as his wife had filed a petition seeking for dissolution of marriage and the same is pending before the Sub-Court, Alandur. Hence, the petitioner has to be present even for conducting these proceedings.

10. In the light of the above discussion, there shall be a direction to the petitioner to give a sworn affidavit before the third respondent by giving correct particulars as where he is going to stay and also the phone numbers for communicating with the petitioner. The petitioner shall also give his email-id to the third respondent. This will enable the third respondent to be in touch with the petitioner. It is further brought to the notice of this Court that the parents of the petitioner are at Coimbatore and for any clarification, the third respondent can also enquire the parents if the petitioner is not able to be contacted. The second respondent shall immediately inform the first respondent to keep the lookout circular in abeyance. The petitioner shall not be stopped at any airport based on the lookout circular until further orders are passed by the Court. It is left open to the petitioner to leave to USA and to report to his employer. This Court is acting upon the undertaking affidavit filed by the petitioner and hence, the petitioner shall appear before the concerned Court as and when the proceedings commences.



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11. This writ petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

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