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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 26.07.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P No.20389 of 2023**  
**and WMP No.19750 of 2023**

Mr.M.Boobalamurugan

... Petitioner

vs.

1.State by

The Deputy Commissioner of Police  
Law and Order, Tambaram Commissionerate  
Tambaram, Chennai-600045.

2.The Home Secretary

Ministry of Home Affairs  
North Block, New Delhi-11001.

3.Union of India, rep.by its Secretary

Through Bureau of Immigration  
East Block-VIII, Level-V  
Sector-1, Rama Krishnapuram  
New Delhi-110001.

4.The Inspector of Police

W.35, All Women Police Station  
Tambaram.

... Respondents

(R4 suo motu impleaded vide order  
dt.11.7.2023 made in WP.20389/2023 by NAVJ)

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for  
issuance of a Writ of Certiorari, to to call for the records pertaining to



impugned LOC dated 01.11.2022 No.1/SIC(ACK)/LOC/2022-13544 on the file of the third respondent and quash the same.

For Petitioner : Mr.P.Sidharthan

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor  
for R1, R4

Mr.K.S.Jeya Ganeshan  
Senior Panel Counsel for R2, R3

### **ORDER**

This writ petition has been filed challenging the impugned LOC dated 01.11.2022, issued by the 3<sup>rd</sup> respondent pursuant to the request made by the 4<sup>th</sup> respondent.

2.An FIR came to be registered in Crime No.4 of 2021 and the petitioner and his brother-in-law were arrayed as accused. The FIR was registered for offence u/s 12 and 17 of the POCSO Act, 2012 r/w Section 67 of the Information Technology Act, 2000. The allegation is that the petitioner had shown obscene videos to the victim girl, who is none other than his daughter. This complaint was given by the wife of the petitioner and the mother of the victim child.



3.The petitioner was arrested and remanded to judicial custody on 27.03.2023. He moved a bail application before this Court in Crl.OP.No.10761 of 2023. This Court took into consideration the earlier order passed in Crl.OP.No.5444 of 2022, dated 09.3.2022, filed by the brother-in-law (A2) and enlarged the petitioner on bail by imposing certain conditions.

4.When the matter came up for hearing on 4.7.2023, this Court passed the following order:

*Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the 1 st respondent. The learned counsel for the petitioner shall serve notice in the office of the Additional solicitor General in order to depute a Central Government Standing counsel to represent the respondents 2 and 3.*

*2. This Court has taken into consideration the earlier bail order passed in CRL MP No.5444 of 2022 dated 09.03.2022 and Crl OP No.10761 of 2023 dated 10.05.202, where a very damaging observation has been made as against the defacto complainant in the case. In view of the same, a status report has to be filed by the Inspector of Police, W35, All women police station, Tambaram. The inspector of police, W35, All women police station, Tambaram, is suo-motu added as the 4 th respondent in this writ petition and the learned*



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*Additional Public Prosecutor, shall take notice on behalf of the impleaded 4<sup>th</sup> respondent.*

*3. Post this writ petition under the caption for passing further orders on 26.07.2023.*

5. When the matter was taken up for hearing today, the Deputy Commissioner of Police, Law and Order, Tambaram Commissionerate, filed a status report. It is mentioned in the status report that the 164 Cr.PC., statement was recorded from the victim child on 01.07.2023 and the look-out circular was also issued to the petitioner since the petitioner was not co-operating for the investigation. It is stated that the petitioner was absconding from 17.11.2021 and he was secured in Delhi Airport only on 30.3.2023. Thereafter, the petitioner was arrested and remanded to judicial custody. The police have raised an apprehension that if the LOC is withdrawn the petitioner will once again abscond to USA and it will unnecessarily cause delay in the progress of the trial. In the status report, it is stated that the criminal prosecution involves a serious offence and hence, the petitioner should not be permitted to move out of India till the completion of the proceedings.

6. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the investigation has been completed and a final report will be filed before the concerned jurisdictional Court within a



period of two weeks.

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7.The learned counsel for the petitioner submitted that the petitioner has to travel to USA on 29<sup>th</sup> July on a three month project and that on the completion of the project, he will return back. The learned counsel further submitted that the petitioner has initiated divorce proceedings in HMOP.No.47 of 2021, before the Sub Court, Mettupalayam and hence, the petitioner will come back to conduct the proceedings.

8.Taking into consideration the facts and circumstances of the case and also of the fact that the investigation has already been completed and the final report is going to be filed shortly and also of the fact that the petitioner is going on a three month project abroad, this Court is inclined to dispose of the writ petition with the following directions:

(a) The petitioner shall appear before the 4<sup>th</sup> respondent and shall give his sworn affidavit by giving the details of his travel plan and his contact number and address and shall also undertake as to when the petitioner will return back to India.

(b) The 4<sup>th</sup> respondent shall act upon the said sworn affidavit and



shall take immediate steps to inform the 3<sup>rd</sup> respondent to keep the LOC in abeyance.

(c) The petitioner after returning back on completion of the project after three months, shall report before the 4<sup>th</sup> respondent police and confirm his return back to India.

(d) The 4<sup>th</sup> respondent shall file the final report in Crime No.24 of 2021, within a period of two weeks from the date of receipt of copy of the order before the concerned jurisdictional Court. and ;

(e) If the petitioner goes back on his undertaking, the respondent police shall inform the same to the 3<sup>rd</sup> respondent and the LOC shall be revived in order to secure the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

**26.07.2023**

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Internet: Yes

Index : Yes/No

Neutral Citation Case: Yes/No

KP

Note: Issue order copy on **28.07.2023**



To

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- 1.The Deputy Commissioner of Police  
Law and Order, Tambaram Commissionerate  
Tambaram, Chennai-600045.
- 2.The Home Secretary  
Ministry of Home Affairs  
North Block, New Delhi-11001.
- 3.Union of India, rep.by its Secretary  
Through Bureau of Immigration  
East Block-VIII, Level-V  
Sector-1, Rama Krishnapuram  
New Delhi-110001.
- 4.The Inspector of Police  
W.35, All Women Police Station  
Tambaram.
- 5.Public Prosecutor  
High Court, Madras.



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**N. ANAND VENKATESH, J.**  
KP

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