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CRL.O.P.No.7851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P.No.7851 of 2024
and Crl.M.P.No.5742 of 2024

Saravanan Palaniappan

... Petitioner

Vs.

1.The Senior Immigration Officer,
(Batches A B C D) International Departure,
Anna International Airport,
Meenambakkam, Chennai – 600 027.

2.The Senior Immigration Officer,
(Batches A B C D) International Arrival,
Anna International Airport,
Meenambakkam, Chennai – 600 027.

3.The Immigration Officer,
International Airport Authority of India,
Chennai.

4.The Foreigner Regional Registration Officer (FRRO),
Shastri Bhavan Annex Building, 26 Haddows Road,
Nungambakkam, Chennai – 600 006.



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5.The Director, Directorate of Enforcement,
No.84, Greams Road, Thousand Lights,
Chennai – 600 006.

6.The Assistant Director,
Office of the Joint Director,
Directorate of Enforcement, Chennai Zonal Office-I,
Government of India, 5th & 6th Floor,
BSNL Administrative Building, Kushkumar Road,
Nungambakkam, Chennai – 600 034.

7.Bureau of Immigration, Ministry of Home Affairs,
Government of India,
rep. by its Commissioner (Immigration),
East Block VIII, Level V Sector-1,
R.K.Puram, New Delhi – 110.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct 6th respondent to withdraw the Look Out Circular in
ECIR/CEZO-I/63/2022 against the petitioner on the file of 6th respondent
herein and direct the respondents to not prevent the travel of the
petitioner.

For Petitioner	: Mr.R.Krishnakumar
For R1 to R4 & R7	: Mr.K.Subbu Ranga Bharathi, Central Government Standing Counsel
For R5 & R6	: Mr.P.Sidharthan, Special Public Prosecutor (ED)

ORDER



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(Order of the Court was made by *M.S.RAMESH, J.*)

In this Criminal Original Petition, the F.I.R relating to the predicate offence pending against the petitioner herein, was closed pursuant to a compromise entered into between the petitioner and the defacto complainant. Even after the F.I.R was closed, the ECIR proceeding was kept pending. The Look Out Circular issued to the petitioner herein, in the ECIR proceeding, is as follows:-

<i>S.No.</i>	<i>Name of Person & Particulars</i>	<i>Details of LOC request issued by ED</i>	<i>Details of LOC issued/acknowledged by Bureau of Immigration (BoI)</i>
1.	Shri Saravanan Palaniappan (Passport No.Z5641108)	ED's LOC request dated 29.05.2023 sent to Bureau of Immigration (BoI)	BoIs letter/acknowledgment No.1/SIC(ACK)/LOC/2023 -7595 dated 29.05.2023 for issued LOC (LOC Suspect No.2345831)

2. When the predicate offence itself is not pending, we are unable to apprehend as to how the ECIR proceeding can be proceeded with. It is needless to point out that the Look Out Circular which has also been issued in connection with the ECIR proceeding, cannot be legally sustained.



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3. At this juncture, the learned counsel for the petitioner would submit that the Look Out Circular has not been furnished to the petitioner.

4. When the Enforcement Directorate has to restrain the petitioner from leaving the country, thereby affecting his personal liberty, they are duty bound to inform the affected party about the existence of the Look Out Circular. In the absence of the same, the same would be in violation of the Articles 14 & 21 of the Constitution of India.

5. In the light of the above observations and findings, the impugned LOC Suspect No.2345831 is hereby quashed and this Criminal Original Petition stands allowed. Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

04.04.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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