



W.P.No.21542 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.21542 of 2024

Pazhanivel

.. Petitioner

/versus/

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

2.The State rep.by  
The Inspector of Police,  
Tiruppur South Police Station,  
Tiruppur City, Tiruppur District.

3.The Foreigners Regional Registration Officer,  
Bureau of Immigration, Chennai.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents herein to forthwith withdraw the Look Out Circular issued against the petitioner in connection with Crime No.363 of 2020 on the file of 1<sup>st</sup> respondent Police by considering the petitioner's representation dated 06.07.2024 within the period that may be stipulated by this Hon'ble Court.



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For Petitioner :Mr.M.Ajmal Khan, Senior Counsel for  
Mr.Ajmal Associates

For Respondents :Mr.S.Udaya Kumar  
Govt.Advocate (Crl.Side)

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ORDER

The petition is filed to quash the Look Out Circular issued against the petitioner, who was shown as accused in Crime No. 363 of 2020, dated 10.04.2020 for the offences under Sections 66 and 66A of Information Technology Act, 2000 and Sections 294(b) and 506(1) of IPC. The said case was registered on the complaint given by one Suganya against unknown person. Later, from e-mail ID, the petitioner was found to be the accused, who has committed the offence by posting an offensive video of TIK TOK. Since he was in abroad, Look Out Circular was issued against him. When the petitioner landed at Trichy Airport on 14.03.2024, he was arrested and later released on bail. The petition is now filed to withdraw the Look Out Circular, in view of his arrival back to India and his presence is available for interrogation as well as trial.



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2. The learned Senior Counsel appearing for the petitioner submitted that the petitioner was gainfully employed in USA. Due to non-withdrawal of Look Out Circular, it should have been withdrawn automatically after the arrival of the petitioner and his arrest based on the LOC has not been taken note of. Further due to the non-withdrawal of LOC, his avocation has been highly affected.

3. The learned Government Advocate (Crl.Side) submitted that investigation been completed and in fact final report has been filed but yet to be taken on file by the concerned Magistrate. Therefore, he insisted that the petitioner's presence during the trial is necessary. If he is allowed to go abroad, he may flee.

4. It is the case of offences under Sections 294(b) and 506(i) of IPC and also the provision of the Information Technology Act. The petitioner who arrived to India was arrested and had let out on bail on the same day. The offences are punishable less than three years. In the said circumstances, the movement of the petitioner cannot be curtailed citing



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pendency of the case. However, his presence during trial must be ensured. For the said purpose, it is suffice to direct the petitioner herein not to leave the country without prior intimation to the Court where the criminal case is pending, regarding his proposed date of going abroad, his place of stay at abroad and proposed date of return to India. His travel to abroad shall not affect the course of trial. With this direction to the petitioner, this petition filed to withdraw Look Out Circular is allowed. The first respondent is directed to intimate the third respondent about the order of withdrawal of LOC.

5. Accordingly, this Writ Petition is allowed. No costs.

10.09.2024

Index:yes/no

Neutral citation:yes/no

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To:

- 1.The Superintendent of Police, Tiruppur, Tiruppur District.
- 2.The Inspector of Police, Tiruppur South Police Station, Tiruppur City, Tiruppur District.
- 3.The Foreigners Regional Registration Officer, Bureau of Immigration, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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