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W.P.No.33470 of 2022 & W.M.P.No.19764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.33470 of 2022
and
W.M.P.No.19764 of 2024

G.Natarajan,
S/o.Gopalakrishnan,
No.288, TTK Road,
Alwarpet,
Chennai – 600 018.

... Petitioner

/versus/

1. Foreigner Regional Registration Officer (FRRO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Sastri Bhavan Annex Building,
No.26, Haddows Road,
Chennai – 600 006.

2. The Assistant Foreigners Regional Registration Officer,
Bureau of Immigration,
Anna International Airport,
Meenambakkam Airport,
Chennai – 600 027.

3. The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Police Commissionerate,
Sholinganallur,
Chennai – 600 119.



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4. The Assistant Commissioner of Police,
J-12, Kaanathur Police Station,
(Tambaram Central Crime Branch),
Chennai.

5. Dr.Madan Mohan.

... Respondents/Complainant

(R5 impleaded vide order dated 13.03.2023 made in WMP.No.33711 of 2022 in W.P.No.33470 of 2022 by GCSJ)

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Declaration, declaring the Look Out circular issued by the 1st respondent at the request of the 4th respondent against the petitioner is void and pass orders.

For Petitioner : Mr.P.Prince Premkumar

For R3 & R4 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For R5 : Mr.A.Nagarajan

ORDER

This Writ Petition is filed to withdraw the Look Out Circular issued at the instance of the respondent police against the petitioner herein, in view of the pendency of criminal complaint which is under investigation.

2. Pending Writ Petition, four times, the petitioner has obtained permission of this Court to leave the Country i.e., from Chennai to Singapore



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and return back on specific condition. Now, this is the fifth application seeking permission to leave the Country for the treatment purpose.

3. After hearing the Learned Counsels on either side and the Learned Government Advocate (Crl.Side) for the respondents 3 & 4, this Court finds that on a complaint registered on 01.04.2022, in Crime No.54 of 2022, for the offences under Section 406 & 420 of I.P.C., the petitioner been wanted since he was absconding. The Look Out Circular been issued and thereafter, the petitioner has approached this Court seeking Anticipatory Bail and this Court in Crl.O.P.No.10607 of 2022, dated 12.08.2022, granted anticipatory bail, on condition to deposit Rs.2,50,00,000/- to the defacto complainant. Though, initially, the petitioner had resisted the condition, ultimately, after direction by the Hon'ble Supreme Court extending time to deposit the money, the petitioner has paid Rs.2,50,00,000/- to the defacto complainant. It is to be noted that the complaint is regarding cheating of Rs.5,00,00,000/- from the defacto complainant. Thereafter, the present Writ Petition is filed to withdraw the Look out circular as void.

4. The Learned Government Advocate (Crl.Side) appearing for the respondents 3 & 4 states that the investigation is yet to be completed since one



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of the accused is in Malaysia and steps taken to secure him.

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5. After issuance of Look Out Circular, for the fifth time, Writ Miscellaneous Petition seeking permission to leave the Country from Chennai to Singapore, for a period of 30 days i.e., from 1st July 2024 to 31th July 2024, for medical treatment is filed. On earlier occasions, when similar petition was filed, this Court has ordered the petitioner to leave the Country and come back to India, on obtaining affidavit regarding his travel itinerary and place of stay and permitted him to go to Singapore and come back to India within time prescribed.

6. In the light of the subsequent development, this Court is of the view that the accused/petitioner herein having secured by the respondent police and he complying the Bail condition, the Look Out Circular issued against this petitioner shall be kept in abeyance. The petitioner herein shall approach the Judicial Magistrate where the matter is pending and seek for permission to leave the Country for a fixed period. It is left to the discretionary of the Learned Judicial Magistrate to consider the request and after obtaining the affidavit as how it was done in the earlier occasion by this Court, the petitioner shall be permitted to go abroad. The conditions which were imposed by this Court may



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be taken note by the Judicial Magistrate and pass appropriate orders as deem fit.

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7. The Leaned Judicial Magistrate before passing any order on application seeking permission to go abroad, shall ensure that the petitioner files an affidavit about his travel itinerary and place of stay at Singapore and also put the defacto complainant on notice before passing any order.

8. With these directions, this Writ Petition is disposed of. If, in case of any necessity to revive the Look Out Circular, the respondent police is at liberty to approach this Court. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

12.07.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

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Ministry of Home Affairs,
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(Tambaram Central Crime Branch),
Chennai.

5. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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