



WEB COPY

W.P.No.33856 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33856 of 2023

and

W.M.P.Nos.33702 & 33704 of 2023

Vellachi V Arunachalam

... Petitioner

Vs.

1.Union of India,
Represented by Ministry of Home Affairs,
Foreign Department, Immigration Office,
North Block, New Delhi 110 001.

2.Inspector of Police,
Bank Fraud Wing, Team XI,
Central Crime Branch,
Vepery, Chennai – 600 007.

3.A.Muthu

... Respondents

[R-3 intervenor as per order dated 30.01.2024
in WMP.No.34474/2023 in WP.No.33856/2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned Look Out Circular issued by the respondent No.1 at the request of respondent No.2, quash the same as it amounts to arbitrary exercise of power



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and infringes upon the petitioner's constitutional right to travel abroad.

For Petitioner

: Mr.J.Ranjith Kumar
For M/s.Surana and Surana

For R1

: Mrs.J.Priscilla Pandian
Central Govt. Standing Counsel

For R2

: Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

For R3

: Mr.V.Raghavachari
Senior Counsel
For Mr.M.Deivanandam

ORDER

The writ has been instituted to quash the Look Out Circular issued by the 1st respondent at the request of 2nd respondent.

2. Admittedly, a criminal case has been registered against the writ petitioner by the Bank Fraud Wing, Team XI, Central Crime Branch, Chennai. A criminal case is pending and final report filed before the jurisdictional Criminal Court of Law. The petitioner filed an application seeking permission to travel abroad before the jurisdictional Criminal Court.



The said petition was dismissed. Hence, he preferred a Crl.R.C.No.76 of 2024 before the High Court of Madras. The said petition is pending and it is informed to this Court that the case was heard and the order reserved.

3. When the petition filed seeking permission to travel abroad is pending on the file of the High Court, the writ petition need not be entertained. More so, it is brought to the notice of this Court that the petitioner is a foreign citizen and in the event of allowing her to travel abroad, the investigation into the criminal case will be hampered. The Investigating Agency may not be in a position to secure the presence of the writ petitioner.

4. Considering these aspects, the jurisdictional Criminal Court dismissed the petition. However, the revision petition filed before the High Court is yet to be disposed of.

5. Under these circumstances, if the Look Out Circular is set aside would result in prejudice to the interest of the Investigating Agency prosecuting the petitioner before the Courts in India.

6. That being the factum, this Court is not inclined to entertain this writ



petition.

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7. The learned counsel for the petitioner would submit that the Look Out Circular was issued by the incompetent authority.

8. However, the said ground deserves no merit adjudication, since the petitioner has already approached the jurisdictional Criminal Court and High Court seeking permission to travel abroad and the Criminal Revision Petition filed is yet to be disposed of.

9. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.04.2024

Jeni
Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes

To

1.Union of India,
Represented by Ministry of Home Affairs,

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Foreign Department, Immigration Office,
North Block, New Delhi 110 001.

2. The Inspector of Police,
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S.M.SUBRAMANIAM, J.

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