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Crl.O.P.Nos.27468, 27475 of 2023 & 6956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.27468, 27475 of 2023 & 6956 of 2024
and Crl.M.P.Nos.19031, 19037 of 2023 & 5078 of 2024

Vijay Ananth ... *Petitioner in Crl.OP.No.27468/2023*

Dwarakanathan Vijayakumaran ... *Petitioner in Crl.OP.No.27475/2023*

Lakshmi ... *Petitioner in Crl.OP.No.6956/2024*

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.



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

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 in all Crl.OPs

Common Prayer: Criminal Original Petitions 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 petitioners on the file of 6th respondent herein and direct the respondents to not prevent the travel of the petitioners.

For Petitioners : Mr.S.Manu Raj
(in Crl.OP.Nos.27468 & 27475/2023) for Mr.R.Krishnakumar

For Petitioner : Mr.M.Nagoor Moideen
(in Crl.OP.No.6956/2024)



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(in all Crl.OPs)

For R1 to R4 & R7

: Mr.K.Subbu Ranga Bharathi,
Central Government Standing Counsel

For R5 & R6

: Mr.P.Sidharthan,
Special Public Prosecutor (ED)

COMMON ORDER

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

In all these Criminal Original Petitions, the F.I.Rs relating to the predicate offence pending against the petitioners herein, were closed pursuant to a compromise entered into between the petitioners and the defacto complainant. Even after the F.I.Rs were closed, the ECIR proceedings were kept pending. The Look Out Circulars issued to the petitioners herein, in the ECIR proceedings, are as follows:-

S.Nos.	Name of Person & Particulars	Case Number	Details of LOC request issued by ED	Details of LOC issued/acknowledged by Bureau of Immigration (BoI)
1.	Shri Vinayagamoorthy Vijayanath (Passport No.Z5820773)	Crl.OP.No.27468 of 2023	ED's LOC request dated 07.06.2023 sent to Bureau of Immigration (BoI)	BoIs letter / acknowledgment No.1/SIC(ACK)/ LOC/2023-8089 dated 07.06.2023 for issued LOC (LOC Suspect No.2346150 to 2346152)



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2.	Shri Dwarakanathan Vijaykumaran (Passport No.Z5897844)	Crl.OP.No.27475 of 2023	ED's LOC request dated 07.06.2023 sent to Bureau of Immigration (BoI)	BoIs letter / acknowledgment No.1/SIC(ACK)/ LOC/2023-8089 dated 07.06.2023 for issued LOC (LOC Suspect No.2346150 to 2346152)
3.	Smt.Muthuraman Lakshmi (Passport No.N9965374)	Crl.OP.No.6956 of 2024	ED's LOC request dated 07.06.2023 sent to Bureau of Immigration (BoI)	BoIs letter / acknowledgment No.1/SIC(ACK)/ LOC/2023-8089 dated 07.06.2023 for issued LOC (LOC Suspect No.2346150 to 2346152)

2. When the predicate offence itself is not pending, we are unable to apprehend as to how the ECIR proceedings 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 proceedings, cannot be legally sustained.

3. At this juncture, the learned counsel for the petitioners would submit that the Look Out Circulars have not been furnished to the petitioners.



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4. When the Enforcement Directorate has to restrain the petitioners from leaving the country, thereby affecting their 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. The learned Special Public Prosecutor appearing for the fifth and sixth respondents would submit that apart from the ECIR proceedings, the proceedings under FEMA are also pending, in which, the Look Out Circulars have also been issued.

6. However, the learned counsels for the petitioners are ignorant of such Look Out Circulars.

7. In this background, there shall be a direction to the respondent/Enforcement Directorate, to forthwith furnish a copy of the Look Out Circular, which is claimed to be issued under the provision of FEMA, forthwith to each of the petitioners herein.



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8. In the light of the above observations and findings, the impugned LOC Suspect Nos.2346150 to 2346152 are hereby quashed and all these Criminal Original Petitions are allowed. Connected miscellaneous petitions are closed.

[M.S.R., J]

[S.M., J]

22.03.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No

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To

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