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W.P No.34647 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.34647 of 2023
and WMP Nos.34598 and 34600 of 2023

R.Amutha

Petitioner

vs.

1. 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.
- 2.The Foreign Regional Registration Officer, (FRRO),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
NO.26, Haddows Road,
Chennai.
- 3.The Senior Immigration Officer,
Anna International Airport,
Meenambakkam, Chennai.
- 4.The Superintendent of Police,
North, Karaikkal District,
Pondicherry.
- 5.The Inspector of Police,
Lawspet Police Station,
Pondicherry.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issue of writ of Mandamus directing the 4th and 5th respondents to cause a communication to the respondents No.1 to 3 towards the revocation of the lookout circular issued in connection with the F.I.R. in Crime No.35 of 2023 Pending on his file so as to enable the petitioner to have her trips to Abroad being done with her original Indian Passport and without any obstruction by the Authorities of immigration Department.

For Petitioner : Mr.R.Anand

For Respondents :_Mr.K.S.Jeya Ganeshan
Senior Panel Counsel for R1 to R3
Mr.M.V.Ramachandramurthy for R4 to

R5

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus directing the respondents to revoke the lookout circular issued in connection with the investigation in Cr.No.35 of 2023, so as to enable the petitioner to travel abroad.

2. The petitioner is an Indian citizen and holder of Indian passport. The petitioner married and settled in France with her husband. The petitioner was also provided with a Permanent Resident Card and she was visiting India on and off.



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3. The complaint came to be lodged before the 5th respondent Police on the ground that the petitioner and her husband have received a sum of Rs.19,00,000/- on the premise that they will arrange a job to the defacto complainant. Based on this complaint, an FIR came to be registered in C.C.No.35 of 2023 for offence under Sections 420 and 34 I.P.C.

4. The further case of the petitioner is that the 5th respondent in the course of investigation opened the lookout circular on the ground that the petitioner will abscond. The petitioner, on coming to know of the registration of the FIR, approached this Court and filed CrI.O.P.No.5649/2023, seeking for Anticipatory Bail. This Court by an order dated 31.03.2023, granted anticipatory bail by imposing certain conditions. One such condition that was imposed by this Court is that the petitioner should surrender her original passport before the concerned Magistrate. Accordingly, the petitioner complied with all the conditions imposed by this Court.

5. The petitioner wanted to travel abroad in order to renew her Permanent Resident Card. Since the petitioner was under the impression that there is a lookout circular, the petitioner has approached this Court seeking for revocation of the lookout circular.



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6. When the matter came up for hearing on 04.01.2024, this Court directed the petitioner to file an affidavit by giving particulars of the place where the petitioner is going to stay and also the address and telephone number for communicating with the petitioner. This Court also directed the learned Additional Public Prosecutor appearing on behalf of respondents 4 and 5 and the learned Senior Panel Counsel appearing on behalf of respondents 1 to 3 to take instructions. The matter was posted for hearing today.

7. The learned Senior Panel Counsel appearing on behalf of the respondents 1 to 3 submitted that no lookout circular is pending against the petitioner. The learned counsel submitted that such a process has to be initiated by the respondents 4 and 5 and that no such process has been initiated in this case. This submission made by the learned Senior Panel Counsel is confirmed by the learned Additional Public Prosecutor appearing on behalf of the respondents 4 and 5. He submitted that no lookout circular has been initiated against the petitioner.

8. The petitioner has filed an affidavit before this Court. The relevant portions are extracted hereunder:

"a) My place of residence in France: Nagaradjane Amutha



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14, Place Du pas
Bat 24
78570 Chante loup les vignes

b) The particulars of my daughters

Residing there

: 1st Daughter-Pauline
Phone No.+33758801746

2nd Daughter – Virginie
Phone No. +33605837385

3rd Daughter – Melani
Phone No. +33751198156

c) The House Property in India is
at

: Plot No.16, Arulmozhi Nagar,
Oduthurai Village, Karaikkal,
to an extent of 1812 square feet
(currently under a mortgage for housing
loan with Aptus Finance)

d) My Mobile Number in India : Cell No.9003708999

e) My Mobile Number to be used
in France : Mobile No.3360583785

f) My staying place in France : 14, Place du pas
Bat 24
78570 Chante loup les vignes

g) My Email Id : amutharadj@yahoo.fr

h) The authority before whom
my appearance to be made for
verification in France

: Commissariat de police de 1 sq.de
Ramsgate, 78700 Conflans-Sainte-
Honorine France"



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9. The petitioner wants to visit France in order to renew the Permanent Resident Card. The passport is presently deposited before the learned Judicial Magistrate-I, Puducherry.

10. In the light of the affidavit that has been filed by the petitioner and in the light of the stand taken by the respondents, there shall be a direction to the learned Judicial Magistrate-I, Puducherry, to handover the passport to the petitioner. The petitioner shall strictly comply with the undertaking that has been given in the affidavit filed before this Court. The petitioner shall also cooperate for the completion of the investigation in Cr.No.35/2023. The petitioner is yet to fix the date for the renewal of the Permanent Resident Card in France. On ascertaining the date when the petitioner is going to travel to France, she shall submit a sworn affidavit before the 5th respondent by providing the duration for which the petitioner is going to stay in France. The petitioner shall strictly comply with the sworn affidavit that shall be given before the 5th respondent.



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11. This Writ Petition is disposed of in the above terms. No costs.

Consequently connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation case : Yes
sk

Note: Issue order copy on 19.01.2024.

To

1. The Commissioner (Immigration),
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
East Block VIII Level V,
Sector-1, R.K.Puram, New Delhi 110.
2. The Foreign Regional Registration Officer, (FRRO),
Bureau of Immigration,
Ministry of Home Affairs,
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5.The Inspector of Police,
Lawspet Police Station,
Pondicherry.

6.The Judicial Magistrate-I,
Puducherry.

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