



W.P.(MD)N.19223 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19223 of 2024

Sheik Uduma

... Petitioner

Vs.

1. The Chief Immigration Officer,
No.26, Sasthiri Bhavan,
Haddows Road, Nungambakkam,
Chennai-6.

2.The Superintendent of Police,
Tenkasi District.

3. The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents, more particularly the respondents 2 & 3 to withdraw the lookout circular issued on 02.01.2024 against the petitioner in Crime No.239 of 2023 on the file of the 3rd respondent by considering the representation dated 26.07.2024 within the time frame fixed by this Court.

For Petitioner : Mr.D.Venkatesh



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For R1 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R2 & R3 : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal side)

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. Challenging the Look Out Circular issued on 02.01.2024 against the petitioner in Crime No.239 of 2023 on the file of the 3rd respondent, the petitioner is before this Court with this writ petition.

4. It is the case of the petitioner that on 22.06.2023, an FIR has been registered in Crime No.239 of 2023 for the offence under Sections 147, 148, 294(b), 341, 323, 364, 386, 109 & 506(ii) IPC, based on the complaint given by one Abdul Wahab. The petitioner was working as Cleaning Supervisor, Emrill Services LLC at Dubai by obtaining resident Visa which was issued on 04.05.2022 and valid till 03.05.2025. Even at the time of the alleged occurrence, he was in Dubai. The 3rd respondent



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made a request to the second respondent for issuing a Look Out Circular and hence, the 2nd respondent forwarded the same to the 1st respondent.

Accordingly, the Look Out Circular was issued on 02.01.2024. Based on that, on the arrival of the petitioner at Tiruvendram Airport, he was arrested on 24.06.2024 and later he was released on bail on 12.07.2024. Hence, the petitioner has made a request to cancel the Lookout Circular and seeks a direction from this Court by way of filing this writ petition.

5. The factum of the arrest of the petitioner is not in dispute. In an earlier occasion, in a similar case filed by the similarly placed person in W.P.No.14724 of 2021, this Court, vide order dated 04.04.2022, has held as follows:

“13. In Arockia Jeyabalan Vs. The Regional Passport Officer reported in 2014 (4) LW 841 this Court held as under:-

"11. Therefore, it is clear that the only reason for the police making a request to the Bureau of Immigration to issue a Look Out Circular against the petitioner was the registration of a complaint against him and his non availability for interrogation. The purpose of issue of the Look Out Circular now stands served, with the interception of the petitioner at the Bangalore Airport on 31.1.2014 and his arrest and detention to judicial custody. The petitioner has now come out on bail and has also complied with the bail conditions. 12. The object of a Look Out Circular is to ensure that a person is available for interrogation or trial or enquiry. Now that the Court has released him on bail subject to certain conditions as well as sureties, the apprehension that the petitioner may not



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make himself available and amenable to law, has gone. 13. Therefore, W.P.No.22205 of 2014 is allowed and the Look Out Circular is quashed, in as much as the purpose of issuing the same has now been served and the petitioner has subjected himself to the long arm of the law."

14. Further, this Court in E.V.Perumal Samy Reddy and Ors. Vs. The Deputy Commissioner of Police and another reported in 2013 (2) LW (crl) 628 has held as under :-

"9. It is basic that merely because a person is involved in a criminal case, he is not denude of his fundamental rights. It is the fundamental of a person to move anywhere he likes including foreign countries. One's such personal freedom and liberty cannot be abridged. In the celebrated in MENAKA GANDHI Vs. UNION OF INDIA [AIR 1978 SC 597], the Hon'ble Supreme Court upheld the constitutional right of persons to go abroad. The phrase no one shall be deprived of his "life and liberty" except procedure established by law employed in Article 21, had deep and pervasive effect on fundamental right and human right. MENAKA GANDHI (supra) ushered a new era in the annals of Indian Human Rights Law. It had gone ahead of American concept of 'Due Process of Law.'"

6. The above findings is squarely applicable to the case of the writ petitioner. Since the writ petitioner has already been secured on the basis of the Look Out Circular and released on bail later and also the offence registered against him is not serious offence, the respondents 2 & 3 are directed to withdraw the Look Out Circular issued against the petitioner in connection with Crime No.239 of 2023, in the light of the above judgment and pass appropriate orders within a period of one month from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of.

No Costs.

12.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To

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