



W.P.(MD)No.28666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.28666 of 2024

Nagendran

.. Petitioner

Vs.

1.The Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Rep., by its Commissioner (Immigration),
East Block Vii, I, Level V Sector -I,
R.K.Puram, New Delhi 110.

2.The Immigration Officer,
International Airport Authority of India,
Chennai.

3.The Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.

.. Respondents

PRAYER : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the fourth respondent herein to withdraw the Look Out Circular in LOC No.2024430647 issued against the petitioner in connection with the registration of case in Crime No.20 of 2024 on the file of the fourth respondent within a stipulated time period in accordance with law.



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For Petitioner : Mr.C.Senthil Murugan
For R1 & R2 : Mr.V.B.Sundareshvarar
For R3 & R4 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner, who is an accused in Crime No.20 of 2024 for the offence under Sections 115(2), 351(2) and 49 of BNS and Section 4 of Tamil Nadu Prohibition of Harassment Women Act, had sent a representation to the Inspector of Police, All Women Police Station, Nilakottai, Dindigul District, stating that on 07.09.2024, the petitioner's father passed away, at that time, the petitioner was employed in Singapore Dieselmech Asia Pte Ltd company. On getting information of his father's death, he had come to his native, at that time, his estranged wife namely Anusia had lodged a complaint against him and his mother to the All Women Police Station and hence, the above case has been filed. The petitioner had approached this Court in CrI.O.P(MD).No.15883 of 2024 seeking for anticipatory bail and this Court by order dated 23.10.2024 had granted anticipatory bail with certain conditions. The petitioner had complied with the condition and thereafter, the petitioner to continue his



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employment at Singapore, he went to Madurai Airport, at that time, he was detained by the Immigration Authority and not allowed him to proceed further citing the request made by the All Women Police, such prohibitory order has been issued by Immigration Authority. The petitioner had informed the Immigration Authority and explained to them that already anticipatory bail was granted to him in CrI.O.P(MD).No.15883 of 2024 and he is free to travel and there is no restriction imposed by the High Court. Since the Immigration authority failed to listen the petitioner's plea despite producing the High Court order, the petitioner was unable to travel and came back and sent representation.

2. The learned Additional Public Prosecutor submitted that sensing that earlier the petitioner would flee out of India, making themselves unavailable during the investigation, which would then get stalled and sought for travel restriction for the purpose of case and not for any other reason. He fairly submitted that once the High Court had granted bail, the respondent police cannot seek request for issuance of travel restriction and in all fairness, the Superintendent of Police, who is the Head of District Unit would have been cautious before acceding to the request of the Inspector of Police, All Women Police Station, Nilagottai, which has



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definitely caused an embarrassment restriction to the free movement of the citizen, which is enshrined in the Constitution. Now, after realizing the mistake, the Inspector of Police had immediately informed the Superintendent of Police at the District, who had also immediately written to the Bureau of Immigration (Ministry of Home and Affairs) Government of India on 02.12.2024 and thereafter, the Bureau of Immigration by their communication dated 03.12.2024, had informed that the travel restriction placed on Nagendran has been deleted and LOC against the subject has been completed at our end. Hence, confirming that against the petitioner no more travel restriction is there and the petitioner is free to travel to destination as he desires.

3. The communication of Bureau of Immigration dated 03.12.2024 is extracted hereunder:

“W.r.t LOC Ref No.FRB/24122/DGL/2024 dated 02.12.2024 regarding Deletion of LOC in respect of – NAGENDRAN. It is intimated that, as requested Deletion of LOC against the subject has been completed at our end.”



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4. Considering the submission and perusal of the materials, this

Court finds that now LOC has been removed against the petitioner.

Recording the same, this Writ Petition is allowed. No costs.

09.12.2024

NCC : Yes/No

Index : Yes / No

Rmk

NOTE :Issue order copy on 07.01.2025

To

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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