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W.P.(Crl.).No.107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(Crl.).No.107 of 2025

Marimuthu, S/o Mr.Seduraman

.. Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
2nd Floor, Sastri Bhavan,
Nungambakkam, Chennai-600 034.

2. The Immigration Officer,
Bureau of Immigration,
No.26, Annexue, Sastri Bhavan,
Nungambakkam,
Chennai-600 034.

3. The Inspector of Police,
AWPS - Selaiyur Police Station,
Chennai-600 059.

.. Respondents

Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to consider and pass appropriate orders based on the petitioner's representation, dated 21.05.2025, requesting to cancel the look-out-notice, dated 03.03.2024 issued against the petitioner as illegal, void

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and non-est in the eye of law, within the time frame to be fixed by this Court.

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For petitioner : Mr.V.Ramamurthy, for M/s.D.Thirumoorthy

For respondents : Mr.R.Sidharth, Central Government Standing Counsel
for RR-1 and 2

Dr.C.E.Pratap, Govt. Advocate (Criminal Side) for R-3

ORDER

This Writ Petition (Criminal) has been filed praying to issue a Writ of Mandamus to direct the third respondent to consider and pass appropriate orders based on the petitioner's representation, dated 21.05.2025, requesting to cancel the look-out-notice, dated 03.03.2024 issued against the petitioner as illegal, void and non-est in the eye of law, within the time frame to be fixed by this Court.

2. Learned counsel for the petitioner submitted that though a case has been registered against the petitioner in Crime No.5 of 2024, dated 23.02.2024 for the offences under Sections 417, 420, 294(b) and 506(i) IPC, the petitioner was arrested and released on bail on 16.04.2025 in CrI.M.P.No.861 of 2025 in Cr.No.5 of 2024 on the file of the Judicial Magistrate Court No.2, Tambaram.

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3. Learned counsel for the petitioner further contended that the petitioner is working in Netherlands and due to the case registered against him, the third respondent has issued a look-out-notice, due to which, the petitioner is not able to resume his duties and was not allowed to co-operate for the investigation and also the trial proceedings. He prayed that he may be allowed to give an undertaking on the issue and therefore, the petitioner prayed for a direction to consider the representation of the petitioner, dated 21.05.2025 and to cancel the look-out-notice, dated 03.03.2024.

4. The learned Government Advocate (Criminal Side) appearing for the third respondent submitted that a case has been registered against the petitioner only based on the complaint given by the de-facto complainant. Thereafter, the de-facto complainant is not co-operating for investigation and therefore, the Police is/are not able to file the final report/charge-sheet.

5. Admittedly, a case was registered against the petitioner. Though allegations are serious in nature, however, right to conduct fair and speedy investigation, is also the fundamental right of the petitioner under Article 21 of the Constitution of India.

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6. It is not in dispute that the petitioner is working in Netherlands and

whenever he visits India, the occurrence was alleged to have taken place.

But however, from the representation dated 21.05.2025, sent to the third respondent-Police, it is seen that the de-facto complainant herself had gone abroad and not co-operating for the investigation. The third respondent-Police had not shown that they have issued summons either to the petitioner or to the de-facto complainant, under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the case is without any progress and that it is unfair to retain the petitioner in India, when the fact remains that he is working in abroad.

7. In the above facts and circumstances, the third respondent-Police is directed to consider the representation of the petitioner, dated 21.05.2025 on merits and in accordance with law and pass appropriate orders within a period of one month from the date of receipt of a copy of this order.

8. With the above direction, this petition is disposed of.

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Office to note: Issue order by 30.06.2025

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2nd Floor, Sastri Bhavan,
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No.26, Annexue, Sastri Bhavan,
Nungambakkam,
Chennai-600 034.
3. The Inspector of Police,
AWPS - Selaiyur Police Station,
Chennai-600 059.
4. The Public Prosecutor, High Court, Madras.
5. The Government Advocate (Crl. Side),
Office of the Public Prosecutor, High Court, Madras.

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P.VELMURUGAN, J

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